

6-29-2007

State v. Hedgecock Clerk's Record v. 1 Dckt. 33950

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33950 LAW CLERK *01/08/2*

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

State of Idaho

Plaintiff and
Respondent
VS.

William May Hedgcock

Defendant and
Appellant

Appealed from the District Court of the 5th
Judicial District for the State of Idaho, in and

for Gorday County

Hon. Barry Word District Judge

Molly Hershey - SAPD

Attorney for Appellant ✓

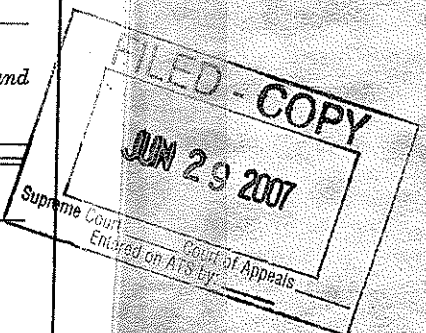
Lawrence Warden - AG

Attorney for Respondent ✓

Filed this _____ day of _____, 19____

SEE AUGMENTATION RECORD Clerk

By _____ Deputy



33950

COPY

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
Plaintiff/Appellant,)	
	)	Supreme Court No. 33950
vs.)	
	)	CLERKS RECORD ON APPEAL
)	
WILLIAM TROY HEDGECK,)	
Defendant/Respondent.)	

Appeal from the District Court of the 5th Judicial District of the State of
Idaho, in and for the County of Gooding

HONORABLE BARRY WOOD, DISTRICT JUDGE

Molly Huskey,
State Appellate Public Defender
P.O. Box 83720
Boise, ID 83720

LAWRENCE WASDEN,
Attorney General, Appeals Division
Statehouse Mail, Box 83720
Boise, ID 83720

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State of Idaho vs. William Troy Hedgecock

Date	Code	User		Judge
11/15/2005	NEWC	BECKY	New Case Filed	Casey Robinson
	PROS	BECKY	Prosecutor assigned Calvin H. Campbell	Casey Robinson
	CRCO	BECKY	Criminal Complaint - Part I	Casey Robinson
	CRCO	BECKY	Criminal Complaint - Part II	Casey Robinson
	WARI	BECKY	Warrant Issued - Arrest Bond amount: 50000.00 Defendant: Hedgecock, William Troy	Casey Robinson
	STAT	BECKY	STATUS CHANGED: Inactive	Casey Robinson
11/16/2005	WART	BECKY	Warrant Returned Defendant: Hedgecock, William Troy	Casey Robinson
	STAT	BECKY	STATUS CHANGED: Activate (previously inactive)	Casey Robinson
	HRSC	BECKY	Hearing Scheduled (Arraignment 11/28/2005 09:00 AM)	Casey Robinson
		BECKY	Notice Of Hearing	Casey Robinson
	TNSP	BECKY	Order To Transport	Casey Robinson
11/28/2005	ARRN	LESLIE	Hearing result for Arraignment held on 11/28/2005 09:00 AM: Arraignment / First Appearance	Casey Robinson
	ORPD	LESLIE	Defendant: Hedgecock, William Troy Order Appointing Public Defender Public defender Craig D. Hobdey	Casey Robinson
	HRSC	LESLIE	Hearing Scheduled (Preliminary 12/12/2005 02:30 PM)	Casey Robinson
		LESLIE	Notice Of Hearing	Casey Robinson
11/30/2005	REQD	BECKY	Request For Discovery - Defendant	Casey Robinson
12/1/2005	TNSP	BECKY	Order To Transport	Casey Robinson
	RESP	KAYN	Response To Request For Discovery/plaintiff	Casey Robinson
	REQP	KAYN	Request For Discovery/plaintiff	Casey Robinson
12/9/2005	MOTN	LESLIE	Motion for OR Release or Bond Reduction	Casey Robinson
	NTHG	LESLIE	Notice Of Hearing	Casey Robinson
	HRSC	LESLIE	Hearing Scheduled (Hearing Scheduled 12/12/2005 02:30 PM)	Casey Robinson
12/12/2005	BOUN	BECKY	Hearing result for Preliminary held on 12/12/2005 02:30 PM: Bound Over (after Prelim)	Casey Robinson
	DENY	BECKY	Hearing result for Hearing Scheduled held on 12/12/2005 02:30 PM: Motion Denied	Casey Robinson
	CMIN	BECKY	Court Minutes	Casey Robinson
	ORDR	BECKY	Order Holding Defendant to Answer to District Court	Casey Robinson
	HRSC	BECKY	Hearing Scheduled (Arraignment 12/20/2005 09:00 AM)	Barry Wood
		BECKY	Notice Of Hearing	Barry Wood
12/19/2005	INFO	KAYN	Information	Barry Wood

(4)

State of Idaho vs. William Troy Hedgecock

Date	Code	User	Judge
12/20/2005	CMIN	CYNTHIA	Court Minutes Hearing type: Arraignment Hearing date: 12/20/2005 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: DC 05-8
	ARRN	CYNTHIA	Hearing result for Arraignment held on 12/20/2005 09:00 AM: Arraignment / First Appearance
	HRSC	CYNTHIA	Hearing Scheduled (Pretrial Conference 04/04/2006 09:00 AM)
	HRSC	CYNTHIA	Hearing Scheduled (Jury Trial 04/12/2006 09:00 AM)
		CYNTHIA	Notice Of Hearing
1/12/2006	LODG	CYNTHIA	Preliminary Hearing Transcript Lodged
1/20/2006	MOTN	CYNTHIA	Motion for OR release or Bond Reduction
	NTHR	CYNTHIA	Notice Of Hearing By Parties
1/23/2006	HRSC	CYNTHIA	Hearing Scheduled (Bond Reduction 01/24/2006 09:00 AM)
1/24/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Bond Reduction Hearing date: 1/24/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: DC 06-2
	GRNT	CYNTHIA	Hearing result for Bond Reduction held on 01/24/2006 09:00 AM: Motion Granted
4/4/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Pretrial Conference Hearing date: 4/4/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: Dc 06-05
	CONT	CYNTHIA	Hearing result for Pretrial Conference held on 04/04/2006 09:00 AM: Continued
	HRSC	CYNTHIA	Hearing Scheduled (Status 04/11/2006 09:00 AM) Need to reset trial
		CYNTHIA	Notice Of Hearing
4/5/2006	CONT	CYNTHIA	Continued (Status 04/18/2006 09:00 AM) Need to reset trial
		CYNTHIA	Notice Of Hearing
4/6/2006	ORDR	CYNTHIA	Transport Order
4/18/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Status Hearing date: 4/18/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: Dc -06-06
	CPGT	CYNTHIA	Hearing result for Status held on 04/18/2006 09:00 AM: Change Plea To Guilty Before H/t Need to reset trial
4/19/2006	HRSC	CYNTHIA	Hearing Scheduled (Sentencing 05/30/2006 09:00 AM)
		CYNTHIA	Notice Of Hearing
5/23/2006	CONT	CYNTHIA	Continued (Sentencing 05/30/2006 10:00 AM)
5/30/2006	CONT	CYNTHIA	Continued (Sentencing 06/06/2006 09:00 AM)

(d)

State of Idaho vs. William Troy Hedgecock

Date	Code	User	Judge
5/30/2006	ORDR	CYNTHIA	Order to Transport
6/6/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Sentencing Hearing date: 6/6/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: DC06-07
	CONT	CYNTHIA	Continued (Continued Sentencing 06/13/2006 09:00 AM)
		CYNTHIA	Notice Of Hearing
6/13/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Continued Sentencing Hearing date: 6/13/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: Dc06-07
	CONT	CYNTHIA	Hearing result for Continued Sentencing held on 06/13/2006 09:00 AM: Continued
	HRSC	CYNTHIA	Hearing Scheduled (Motion to Withdraw 06/27/2006 09:00 AM) Withdraw Guilty Plea
		CYNTHIA	Notice Of Hearing
6/14/2006	MOTN	CYNTHIA	Motion to Withdraw the Guilty Plea
	AFFD	CYNTHIA	Affidavit of William Troy Hedgecock
	AFFD	CYNTHIA	Affidavit of Craig Hobdey
6/27/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Motion to Withdraw Hearing date: 6/27/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: DC06-08
	HELD	CYNTHIA	Hearing result for Motion to Withdraw held on 06/27/2006 09:00 AM: Motion Held Withdraw Guilty Plea
	GRNT	CYNTHIA	Motion Granted
	HRSC	CYNTHIA	Hearing Scheduled (Jury Trial 11/08/2006 09:00 AM)
	HRSC	CYNTHIA	Hearing Scheduled (Pretrial Conference 10/31/2006 09:00 AM)
		CYNTHIA	Notice Of Hearing
	SENT	CYNTHIA	Hearing result for Pretrial Conference held on 10/31/2006 09:00 AM: Sentencing
6/28/2006	ORDR	CYNTHIA	Order Allowing Withdrawal of Guilty Plea
7/10/2006	MOTN	CYNTHIA	Motion to Withdraw Counsel
	NTHR	CYNTHIA	Notice Of Hearing By Parties
	HRSC	CYNTHIA	Hearing Scheduled (Motion to Withdraw 07/11/2006 09:00 AM) Counsel
	AFFD	CYNTHIA	Affidavit of Craig Hobdey
7/11/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Motion to Withdraw Hearing date: 7/11/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: Dc06-09

State of Idaho vs. William Troy Hedgecock

Date	Code	User	Judge
7/11/2006	GRNT	CYNTHIA	Hearing result for Motion to Withdraw held on 07/11/2006 09:00 AM: Motion Granted Counsel
	ORPD	CYNTHIA	Defendant: Hedgecock, William Troy Order Appointing Public Defender Court appointed David Heida
		CYNTHIA	Order Appointing Public Defender
	ORDR	CYNTHIA	Order Allowing Withdrawal of Counsel
7/27/2006	HRSC	CYNTHIA	Hearing Scheduled (Motion 08/01/2006 09:00 AM) To enlarge time to file 12b motions
	MOTN	CYNTHIA	Motion to enlarge 12b time
	NTHR	CYNTHIA	Notice Of Hearing By Parties
8/1/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Motion Hearing date: 8/1/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: Dc06-10
	HRHD	CYNTHIA	Hearing result for Motion held on 08/01/2006 09:00 AM: Hearing Held To enlarge time to file 12b motions
8/2/2006	ORDR	CYNTHIA	Order on Motion to Enlarge Time for filine motions
8/28/2006	MOTN	SANDY	Motion to Suppress
8/30/2006	HRSC	CYNTHIA	Hearing Scheduled (Motion to Suppress 10/03/2006 10:30 AM)
	NTHR	ROSA	Notice Of Hearing By Parties
10/3/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Motion to Suppress Hearing date: 10/3/2006 Time: 10:30 am Court reporter: Linda Ledbetter Audio tape number: DC06-12
	HELD	CYNTHIA	Motion Held
	HRSC	CYNTHIA	Hearing Scheduled (Pretrial Conference 10/31/2006 09:00 AM)
		CYNTHIA	Notice Of Hearing
10/16/2006	MEMO	GERI	Memorandum in Support of Motion to Suppress
10/31/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Pretrial Conference Hearing date: 10/31/2006 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: Dc06-13
	HRHD	CYNTHIA	Hearing result for Pretrial Conference held on 10/31/2006 09:00 AM: Hearing Held
	CONT	CYNTHIA	Continued (Jury Trial 11/29/2006 09:00 AM)
	HRSC	CYNTHIA	Hearing Scheduled (Pretrial Conference 11/28/2006 09:00 AM)
		CYNTHIA	Notice Of Hearing
11/1/2006	MOTN	CYNTHIA	Motion to Continue Trial
11/2/2006	RESP	CYNTHIA	Response To Request For Discovery/plaintiff
11/8/2006	CONT	CYNTHIA	Continued (Jury Trial 12/13/2006 09:00 AM)

(F)

Time: 02:16 PM

ROA Report

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Case: CR-2005-0003468 Current Judge: Barry Wood

Defendant: Hedgecock, William Troy

State of Idaho vs. William Troy Hedgecock

Date	Code	User	Judge
11/8/2006	CONT	CYNTHIA	Continued (Pretrial Conference 12/05/2006 09:00 AM)
		CYNTHIA	Amended Notice Of Hearing
	ORDR	CYNTHIA	Order on Motion to Continue Trial
12/5/2006	CMIN	CYNTHIA	Court Minutes Hearing type: Pretrial Conference Hearing date: 12/5/2006 Time: 9:00 am Court reporter: Linda ledbetter Audio tape number: DC06-15
	CPGT	CYNTHIA	Hearing result for Pretrial Conference held on 12/05/2006 09:00 AM: Change Plea To Guilty Before H/t
	HRSC	CYNTHIA	Hearing Scheduled (Sentencing 01/23/2007 09:00-AM)
		CYNTHIA	Notice Of Hearing
	OPSI	CYNTHIA	Order For Presentence Report
12/12/2006	GLTY	CYNTHIA	Conditional Guilty Plea
1/22/2007	NOTC	CYNTHIA	Notice of Deposit
1/23/2007	CMIN	CYNTHIA	Court Minutes Hearing type: Sentencing Hearing date: 1/23/2007 Time: 9:00 am Court reporter: Linda Ledbetter Audio tape number: DC07-01
	STAT	CYNTHIA	STATUS CHANGED: reopened
	HRHD	CYNTHIA	Hearing result for Sentencing held on 01/23/2007 09:00 AM: Hearing Held
	FJDE	CYNTHIA	Final Judgement, Order Or Decree Entered
	STAT	CYNTHIA	STATUS CHANGED: closed pending clerk action
	SNIC	CYNTHIA	Sentenced To Incarceration (I18-3605 Forged Check-possession Of) Confinement terms: Credited time: 337 days. Penitentiary determinate: 7 years. Penitentiary indeterminate: 7 years.
2/12/2007	APSC	CYNTHIA	Appealed To The Supreme Court
	MOTN	CYNTHIA	Motion for Appointment of State Appellate Public Defender
	MOTN	CYNTHIA	Motion to Reclaim Property
	APSC	CYNTHIA	Appealed To The Supreme Court
	STAT	CYNTHIA	STATUS CHANGED: Inactive
2/13/2007	ORDR	CYNTHIA	Notice and Order Appointing State Appellate Public Defender
2/28/2007	NTHR	CYNTHIA	Notice Of Hearing By Parties
3/1/2007	HRSC	CYNTHIA	Hearing Scheduled (Motion 03/13/2007 09:00 AM)
3/8/2007	HRVC	CYNTHIA	Hearing result for Motion held on 03/13/2007 09:00 AM: Hearing Vacated
3/20/2007	MOTN	CYNTHIA	Motion for ICR 35 reduction of sentence

(g)

4/1/2007

Idaho Judicial District Court - Gooding County

User: CYNTHIA

Time: 02:16 PM

ROA Report

Page 6

Case: CR-2005-0003468 Current Judge: Barry Wood

Defendant: Hedgecock, William Troy

State of Idaho vs. William Troy Hedgecock

Date	Code	User		Judge
4/1/2007	ORDR	CYNTHIA	Order on ICR 35 Motion	Barry Wood
	DENY	CYNTHIA	Motion Denied	Barry Wood

(h)

CLERK OF DISTRICT COURT
GOODING CO. IDAHO
FILED

Calvin H. Campbell
Gooding County Prosecuting Attorney
I.S.B. No. 4579
Luverne E. Shull, Deputy
I.S.B. No. 5477
Post Office Box 86
Gooding, Idaho 83330
Telephone (208) 934-4493

2005 NOV 15 AM 11 34

GOODING COUNTY CLERK

BY: R. Tarnu
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2005-0003468
v.)	
)	
WILLIAM TROY HEDGECKOCK,	)	COMPLAINT
d.o.b.: [REDACTED]	)	PART I
SSN: [REDACTED])	
)	
Defendant.)	

PERSONALLY APPEARED before me this 15th day of November, 2005, in the County of Gooding, State of Idaho, Calvin H. Campbell, Gooding County Prosecuting Attorney, who complains and says: that William Troy Hedgecock on or about the 1st day of November, 2005, in the County of Gooding, State of Idaho, then and there being, did then and there commit the crime of Possession of Forged Bank Bills, a felony, said crime being committed as follows, to-wit:

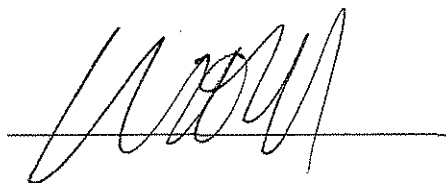
COMPLAINT
PART I

POSSESSION OF FORGED BANK BILLS
Felony, Idaho Code § 18-3605

That the Defendant, William Troy Hedgecock, on or about the 1st day of November, 2005, in the County of Gooding, State of Idaho, did, with the intent to defraud another, have in his possession and/or receive from another person, any forged bank bill, for the payment of money or property, with the intent to pass the same and/or permit, cause, or procure the same to be uttered or passed, knowing the same to be forged or counterfeited, to-wit: possessing four (4) counterfeit \$100 bills containing the same serial numbers, to wit: DB61336446B.

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

Said complaint therefore prays that a warrant be issued and the Defendant be dealt with according to law.



SUBSCRIBED before me this 15th day of November, 2005.


Judge Casey U. Robinson

DEPT. OF CORRECTIONS
GOODING CO. IDAHO
FILED

2005 NOV 15 PM 11 34

GOODING COUNTY CLERK

BY: R. Turner
DEPUTY

Calvin H. Campbell
Gooding County Prosecuting Attorney
I.S.B. No. 4579
Luverne E. Shull, Deputy
I.S.B. No. 5477
Post Office Box 86
Gooding, Idaho 83330
Telephone (208) 934-4493

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2005-000 3468
v.)	
)	
WILLIAM TROY HEDGECKOCK,	)	COMPLAINT
d.o.b. [REDACTED]	)	PART II
SSN: [REDACTED])	
)	
Defendant.)	

PERSONALLY APPEARED before me this 15th day of November, 2005, in the County of Gooding, State of Idaho, Calvin H. Campbell, Gooding County Prosecuting Attorney, who complains and says: that William Troy Hedgecock on or about the 1st day of November, 2005, in the County of Gooding, State of Idaho, then and there being, did then and there commit the crime of Possession of Forged Bank Bills, a felony, said crime being committed as follows, to-wit:

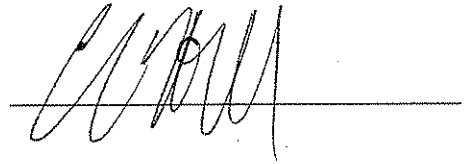
COMPLAINT
PART II

POSSESSION OF FORGED BANK BILLS
Felony, Idaho Code §§ 18-3605, 19-2514

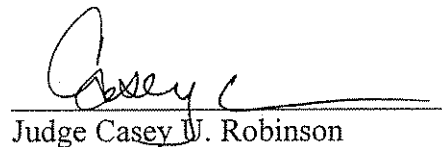
That the Defendant, William Troy Hedgecock; on or about the 1st day of November, 2005, in the County of Gooding, State of Idaho, did, with the intent to defraud another, have in his possession and/or receive from another person, any forged bank bill, for the payment of money or property, with the intent to pass the same and/or permit, cause, or procure the same to be uttered or passed, knowing the same to be forged or counterfeited, to-wit: possessing four (4) counterfeit \$100 bills containing the same serial numbers, to wit: DB61336446B, and has pled or been found guilty of two prior felonies, to wit: Twin Falls County case number CR 97-1786 with Judge Burdick and CR 04-6692 with Judge Bevan.

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

Said complaint therefore prays that a warrant be issued and the Defendant be dealt with according to law.



SUBSCRIBED before me this 15th day of November, 2005.



Judge Casey W. Robinson

GOODING CO. IDAHO
FILED

TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

MAGISTRATE DIVISION
ARRAIGNMENT MINUTES

CLERK

DEPUTY

DEPUTY

Date 11-16-05 Time 1:00pm Counter 10004
Judge Harris Deputy Clerk T. VanLeeuwen

Case No. ~~0000~~ OCW - Gooding

State of Idaho

Attorney _____

vs

William Hedgecock

Attorney _____

Offense:

(1) OCW - Gooding (Felony)

☒ Appeared in person ☐ Bond ☒ per warrant ☐ OR release ☐ OR to Court Compliance program
☐ Failed to appear ☐ Warrant issued

☒ Rights and penalties given ☒ Rights form signed ☒ Rights and penalties understood
☐ Defendant waived counsel ☐ Private counsel _____ ☐ to hire
☐ Public defender appointed ☐ Public defender denied
☐ Plead not guilty ☐ Pretrial set _____
☐ Plead guilty ☐ Sentencing set _____
☐ PV - admit ☐ Prelim set _____
☐ PV - deny ☐ Admit/Deny set _____
☐ Evidentiary set _____
☐ Disposition set _____

SENTENCE:

Jail _____ Days Suspended _____ Days
Fine \$ _____ Suspended \$ _____ Court Cost \$ _____ To be paid by: _____
☐ Public Defender Reimbursement \$ _____

Driving Privileges Suspended _____ Days Beginning _____ ☐ 1ST _____ Days Absolute
☐ Probation _____ months ☐ Supervised _____ months

Conditions of bond/OR release/probation:

☐ Border patrol hold

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING
MAGISTRATE DIVISION

CASE # CR - 2009-3468

DATE: 11-28-05

TIME: _____

CD
PAGE: 2005-07

JUDGE: Robinson

CLERK: R. Tamm

STATE OF IDAHO

Attorney Shull

vs.

William Troy Hedgcock

Attorney _____

Offense: Poss of Forged Check - Fed.

Interpreter _____

☒ Appeared in person _____ Bond Set \$ _____ OR Release

_____ Failed to appear _____ Warrant Issued _____ Bond Forfeited

_____ Rights given _____ Rights form signed _____ Rights Understood

_____ Penalties Given _____ Penalties Understood

Counsel: _____ Waived ☒ PD Today Confert Appointed _____ May Reimburse _____ PD Denied _____ Hire Own

_____ Plead Guilty _____ Accepted by Court _____ Sentencing Set _____

_____ Plead Not Guilty _____ Waive Jury Trial

☒ Preliminary Hearing Set 12-12-09 Court/Jury Trial Set _____
at 2:30pm

_____ Sentenced: _____ Days Jail _____ Suspended -- All options in _____ days

_____ Fine \$ _____ + costs _____ Suspended \$ _____ Pay by _____

_____ Drivers License Suspended _____ days _____ absolute Pub Def \$ _____

_____ Supervised Probation at discretion of probation office

_____ Unsupervised Probation _____

Probation Terms: _____ Violate no Laws, _____ Maintain Liability Insur, _____ No Alcohol

_____ No drinking and driving, _____ Random BBU, _____ Submit to Requested Tests,

_____ Attend Alc Sch, _____ COA/10 days _____ Reimburse County/Probation Serv.

_____ Pay All Fines, Costs, Restitution

_____ Other terms set by probation _____ Comply w/eval. _____ hrs. comm. service

_____ Other _____

_____ 42 Days to Appeal

_____ Seal Evaluation in File

Craig D. Hobdey
HOBDEY & HOBDEY
Attorney at Law
125 Fifth Avenue West
Gooding, Idaho 83330
Telephone (208) 934-4429
I.S.B. 3199

2005 DEC 9 PM 12 39
GOODING CO. CLERK
FILED

2005 DEC 9 PM 12 39

GOODING CO. CLERK

BY:

DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,

Plaintiff,

v.

WILLIAM TROY HEDGECK,

Defendant.

Case No. CR-2005-0003468

**MOTION FOR O.R. RELEASE
OR BOND REDUCTION**

COMES NOW, the above named Defendant, WILLIAM TROY HEDGECK, by through
his attorney of record, Craig D. Hobdey, and moves the Court as follows:

1. That the defendant be released on his own recognizance, or that bond be reduced to
an amount that Defendant may make.

Oral argument is requested.

DATED THIS 9th day of December, 2005.

Craig D. Hobdey
Attorney for Defendant

MOTION FOR O.R. RELEASE OR BOND REDUCTION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

DATE: December 12, 2005 HONORABLE CASEY ROBINSON, presiding

CASE NO. CR-2005-0003468

TIME: 2:51:25 p.m.

CD: 2005-08

Helen P. Edwards, Clerk of the Court

End Time

2:51:55 p.m.

3:41:50 Re-Called

End Time

4:29:30 p.m.

Attest:


Rebecca Tanner, Deputy

PLAINTIFF
STATE OF IDAHO

DEFENDANT
WILLIAM TROY HEDGECK

COUNSEL
CALVIN CAMPBELL

COUNSEL
CRAIG HOBDEY

MATTER BEFORE Court: PRELIMINARY HEARING

Court calls case at time noted above.

State has no preliminary matters

Defense moves for exclusion of witnesses and request they do not
discuss testimony

Court grants motion and exclude witnesses and admonishes them to
not discuss testimony

FRANK NEUMEYER

(3:42:22) Frank Neumeyer called by State - Sworn by Clerk -
Questioned by Mr. Campbell

(3:51:36) objection - hearsay - sustained

(3:55:17) Cross-Exam by Mr. Hobdey

Witness steps down

COURT MINUTES -

JEROMY SMITH

(4:09:34) Jeromy Smith called by State - Sworn by Clerk -
Questioned by Mr. Campbell

(4:14:15) Cross-Exam by Mr. Hobdey

Witness steps down

DAVID KIGER

(4:17:45) David Kiger called by State - Sworn by Clerk -
Questioned by Mr. Campbell

(4:20:31) Cross-Exam by Mr. Hobdey

Witness steps down

State has no additional witnesses
State submits but reserves rebuttal

(4:23:33) Argument by Defense

(4:25:34) Re-Buttal Argument by State

(4:25:50) Court finds that the State has met its burden of proof
and binds defendant over to appear in District Court on 12-20-05
at 9:00 a.m.

(4:27:05) Defense argues motion for bond reduction

(4:28:23) State responds

(4:29:15) Court leaves bond as set.

(4:29:30) End Minutes
Recess

GOODING CO. IDAHO
FILED

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GOODING COUNTY CLERK

R. Tannen

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

William Troy Hedgcock

Defendant.

Case No. *CR-2005-3468*

ORDER HOLDING DEFENDANT TO
ANSWER TO DISTRICT COURT

[] Defendant having freely, knowingly and voluntarily waived a preliminary hearing and said waiver is under the advice of Legal counsel; I order that defendant be held to answer to the charge(s) of _____

_____ in the District Court.

[X] From the evidence presented, I find that the public offense(s) of *Poss. of Forged Bank Bills*

has/have been committed and there is probable or sufficient cause to believe the defendant is guilty thereof. I order that defendant be held to answer to the charge(s) in the District Court.

[] Bail is set at _____.

[] Defendant is released on his/her own recognizance.

Dated *12-12-05*

[Signature]
Magistrate Judge

CLERK OF DISTRICT COURT
GOODING CO. IDAHO
FILED

2005 DEC 19 PM 4 13

GOODING COUNTY CLERK

BY: h
DEPUTY

Calvin H. Campbell
Gooding County Prosecuting Attorney
I.S.B. No. 4579
Post Office Box 86
Gooding, Idaho 83330
Telephone (208) 934-4493

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2005-0003468
)	
v.	)	INFORMATION
)	
WILLIAM TROY HEDGECK,)	
)	
Defendant.)	

Calvin H. Campbell, Prosecuting Attorney in and for the County of Gooding, State of Idaho, who in the name and by the authority of said State prosecutes in its behalf, comes now into District Court of the County of Gooding, and states that William Troy Hedgecock is accused by this Information of the crime of Possession of Forged Bank Bills, a felony, said crime being committed as follows:

INFORMATION

-1-

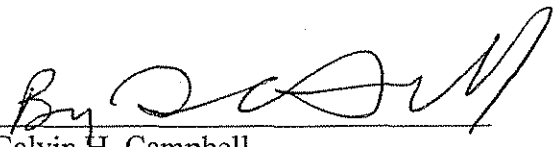
//

POSSESSION OF FORGED BANK BILLS
Felony, Idaho Code § 18-3605

That the Defendant, William Troy Hedgecock on or about the 1st day of November, 2005, in the County of Gooding, State of Idaho, did, with the intent to defraud another, have in his possession and/or receive from another person, any forged bank bill, for the payment of money or property, with the intent to pass the same and/or permit, cause, or procure the same to be uttered or passed, knowing the same to be forged or counterfeited, to-wit: possessing four (4) counterfeit \$100 bills containing the same serial numbers, to wit: DB61336446B.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

Dated this 19th day of December, 2005.



Calvin H. Campbell
Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of December, 2005, I served a true and correct copy of the foregoing Information by the method indicated below, and addressed to the following:

Craig D. Hobdey
P.O. Box 176
Gooding, ID 83330

☐ U.S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)

William Troy Hedgecock
% Twin Falls County Jail
Gooding, ID 83330

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (FAX)

Tina Legarreta

Date: 12/20/2005

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 10:58 AM

Minutes Report

Page 1 of 1

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Arraignment	Minutes date:	12/20/2005
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	DC 05-8
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 951 Court calls case at time noted above. Identifies parties and counsel present for the record.

Calvin Campbell, Prosecutor on behalf of the State of Idaho □
Craig Hobdey, Public Defender on behalf of the Defendant who is also present personally

Defendant and Counsel have received a copy of the Information filed by the State and have reviewed the charges contained therein. Formal reading of the information is waived by the defendant at this time. No objection by the State.

Tape Counter: 953 □Reviews the defendant's rights at this hearing including the defendant's right to remain silent; presumption of innocence and that by entering a plea of guilty to the above identified charges, certain rights would be waived.

Tape Counter: 954 Preliminary Hearing Transcript is requested by the defendant.
So ordered by the Court.

Potential 12(b) motions and motion to suppress.

The Defendant enters a plea of not guilty to all charges.
Jury Trial scheduled in this case for 9:00 a.m. in Gooding County on April 12, 2006
Final Pre trial conference will be scheduled for Tuesday 9:00 on : April 4, 2006

Tape Counter: 95536 End Minute Entry.

Attest: 
Cynthia R. Eagle-Ervin

Craig D. Hobdey
HOBDEY & HOBDEY
Attorney at Law
125 Fifth Avenue West
Gooding, Idaho 83330
Telephone (208) 934-4429
I.S.B. 3199

GOODING COUNTY CLERK
FILED

2006 JAN 20 PM 2 07

GOODING COUNTY CLERK

BY: h
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,

Plaintiff,

v.

WILLIAM TROY HEDGECK,

Defendant.

Case No. CR-2005-0003468

**MOTION FOR O.R. RELEASE
OR BOND REDUCTION**

COMES NOW, the above named Defendant, WILLIAM TROY HEDGECK, by through
his attorney of record, Craig D. Hobdey, and moves the Court as follows:

1. That the defendant be released on his own recognizance, or that bond be reduced to
an amount that Defendant may make.

Oral argument is requested.

DATED THIS 20 day of January, 2006.

Craig D. Hobdey
Craig D. Hobdey
Attorney for Defendant

MOTION FOR O.R. RELEASE OR BOND REDUCTION

Page 1 of 1

15

Date: 1/25/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 01:57 PM

Minutes Report

Page 1 of 1

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Bond Reduction	Minutes date:	01/24/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	DC 06-2
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 914 Court calls case at time noted above.
Mr. Calvin Campbell, Gooding County Public Defender is present on behalf of the State.
Mr. Craig Hobdey Public Defender, Gooding County appearing on behalf of the
Defendant, who is also present personally (Incarcerated)


Tape Counter: 915 The Court reviews the filed for the record - forgery of bank bills. Matter is currently set for
trial.

The State has no objection to the motion filed by the Defense.

Tape Counter: 916 The Court notes specific terms - contact with attorney, violate no laws, no alcohol or drugs
404-4626 - Sara Cerepes
Will provide address.

Tape Counter: 91730 Reminded of his court dates.
End Minute Entry.

Attest:


Deputy Clerk

Date: 4/4/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 03:00 PM

Minutes Report

Page 1 of 1

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Pretrial Conference	Minutes date:	04/04/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	Dc 06-05
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 905

Court calls case at time noted above.
Mr. Calvin Campbell, Gooding County Prosecutor, appearing on behalf of the State.
Mr. Craig Hobdey, appearing on behalf of the defendant who is not present personally
(Incarcerated in Twin Falls)

Asking for 1 weeks continuance.
Defendant is in custody in twin Falls at this time.
Asking trial be vacated and reset.

Tape Counter: 807

So ordered.
End Minute Entry.

Attest: 
Cynthia R. Eagle-Ervin

Date: 4/19/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 08:51 AM

Minutes Report

Page 1 of 2

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Change of Plea	Minutes date:	04/18/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	Dc -06-06
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 926 Court calls case at time noted above.
Mr. Calvin Campbell, Gooding County Prosecutor, appearing on behalf of the State.

Mr. Craig Hobdey Public Defender, appearing on behalf of the defendant who is also present personally (Incarcerated)

Tape Counter: 927 Needs new trial date
April 4, 2006 last minute entry - defendant was in custody in Twin Falls.

Tape Counter: 928 Counsel for the defense indicates to the Court that his client will change his plea to guilty pursuant to certain plea negotiations with the State. For the record, those negotiations are as follows:
State to dismiss enhancement and the defendant will plead to forged bank bills - State agrees to recommend any sentence runs concurrent with probation violation in Twin Falls County and defendant will enter into long term treatment.

Further discussion between Court and counsel as to specific terms of recommendation. The State will recommend to run Gooding sentence concurrently with Twin Falls - although the State is not clear what the actual charges are - the charges in Twin Falls are consecutive.

Tape Counter: 932 The Clerk administers an oath to the defendant for further inquiry by the Court:

The Court advises the defendant of the nature of the charges against him; the minimum and maximum penalties and other possible consequences therefore; that the defendant is not required to make any statement; presumption of innocence and that by entering a plea of guilty to the above identified charges, certain rights would be waived.

Tape Counter: 934 The Court reviews the terms of the plea agreement with the defendant. State will NOT pursue enhancement and; State will recommend sentence imposed run concurrent with PV matters out of Twin Falls - No agreement as to underlying sentence and defendant intends to seek long term or intensive out-patient treatment.

The Court inquires of whether any promises have been made to the defendant and advises the defendant that the Court is not bound to any promise or recommendation made by either counsel as to the punishment. Further as to the defendant's satisfaction with counsel and specifically to counsel the nature and extent of discovery conducted in this matter.

Date: 4/19/2006

Time: 08:51 AM

Page 2 of 2

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 941

The Defendant pleads guilty to the charges/pursuant to the plea agreement.

Mr. Hobdey comments as to one element which is the intent to defraud - based upon prior statements - the jury would most likely convict. He did possess the bills - did make statements to the police. Wants to make this an Alford Plea on this element of intent.

The State doesn't care what form of plea the defendant enters. The guilty plea is good either way. State has strong factual case.

The Court, will accept an Alford Plea but would reject any request for probation - explains the Court's concerns for the record as to probation and rehabilitation

Mr. Hobdey indicates based on that the defendant will plead straight up. Upon further inquiry, accepts the guilty plea as knowingly, voluntary and upon advice of counsel.

A Pre-sentence investigation is ordered in this matter. Department of corrections personnel is present in the courtroom. Can use the Twin Falls case

Substance abuse evaluation is also ordered by the Court at this time.

Tape Counter: 945

Sentencing scheduled in this case at 9:00 a.m. in Gooding County on Tuesday: May 30
Discussion of bond and/or terms of continued release.

End Minute Entry.

Attest: 
Cynthia R. Eagle-Ervin

Date: 6/6/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 11:33 AM

Minutes Report

Page 1 of 3

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Sentencing	Minutes date:	06/06/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	DC06-07
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 917

Court calls case at time noted above.

Mr. Calvin Campbell, Gooding County Public Defender is present on behalf of the State.

Mr. Craig Hobdey, as Public Defender, Gooding County appearing on behalf of the Defendant, who is also present personally (Incarcerated) (PD reaffirmed at this level)

The court reviews the file for the record. Pursuant to I.C. 19-2510, the defendant was previously informed by the Court as to the nature of the information that was filed in this matter and the maximum penalties as to each count.

Date: 6/6/2006

Time: 11:33 AM

Page 2 of 3

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 919

The Court inquires of the defendant and counsel, pursuant to I.C. 19-2510 whether there is any legal cause why judgment should not be pronounced in this matter. To which the defendant responded "no".

The parties have received and reviewed the previously ordered PSI in this matter and any ordered evaluations. The Court inquires of either party as to any corrections or additions to either document at this time.

The Bailiff makes copies and hands the same to the State and defense (copy of order entered by Judge Bevan in TF)

Mr. Hodbey indicates corrections to May 18, 2006 letter - denies use of methamphetamines with "Chalise" - incorrect statement (page 4) - female became engaged when she got pregnant and then married; employment comments - worked for Jim Hall 3 days; next two paragraphs were chronologically backwards - was employed full time until arrest - First Glanbia..... thru M & K up until date of arrest (listed backwards in PSI); next page - 2nd line - mental health services - inconsistent with next line that indicates completion of programming Oct. 11, 2005. Defendant claims he did complete Ekersol's program and was discharged upon incarceration.

3rd para - substance abuse - denies 3/4 lb of meth - defendant claims it was possession of 3/4 of ounce of meth. Next para - defendant was discharged - (incarcerated); did not obtain a substance abuse evaluation - defendant admits to problem - evaluation is moot at this point. Denies use of meth with girlfriend.

The Court further notes -

- more than two days have elapsed since the entry of the plea and sentencing
- there is no contention by either party that the report does not contain the information required by Rule 32(b).
- there is no request for additional time or additional reports by either party.

The Court further inquires as to victims wishing to address the Court and/or restitution in this case. None noted.

State indicates restiti

Date: 6/6/2006

Time: 11:33 AM

Page 3 of 3

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 929

The State makes a sentencing recommendation on behalf of the State: Sentence to run concurrent with Twin Falls matter (which sentence was reimposed by Judge Bevan) Multiple offender - and "professional criminal" under the statute - recommending incarceration - 7 yrs +7 not to exceed 14 to run concurrent with Twin Falls County.

The defendant, through his counsel, makes a sentencing recommendation: The defense understood the State's position is that it would agree to recommend the same as the Twin Falls charges.

The "agreement was not in writing" - the State's position is that whatever was recommended would be concurrent with the Twin Falls charges. The Court reviews the court minutes from previous hearings. Reads pertinent portions of the minute entry to counsel.

Mr. Hobdey indicates there is a difference of opinion between his understanding and the State's. Mr. Campbell doesn't understand the confusion.

The Court will order a partial transcript of the verbatim comments.
Continue to next week for sentencing.

Tape Counter: 947

End Minute Entry.

Attest: 

Cynthia R. Eagle-Ervin

Date: 6/13/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 10:00 AM

Minutes Report

Page 1 of 2

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Continued Sentencing	Minutes date:	06/13/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	Dc06-07
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 911

Court calls case at time noted above.

Mr. Calvin Campbell, Gooding County Public Defender is present on behalf of the State.

Mr. Craig Hobdey, Public Defender, Gooding County appearing on behalf of the Defendant, who is also present personally (Incarcerated)

Matter continued from last week for the parties to reach some agreement as to the plea negotiations by way of the Court Reporter transcript from the change of plea hearing.

Mr. Hobdey notes they received a partial transcript of the change of plea hearing. His understanding and explanation to his client was different than what the State understood. Explains further.

Tape Counter: 91250

The Court inquires as to page? - 2 4th paragraph - Hobdey reads into the record.

Further discussion as to the "terms of the agreement"

If that is not the agreement they will move to withdraw the guilty plea due to the misunderstanding between the parties.

Mr. Campbell comments - not his understanding - was "abundantly clear" - he also reads from the transcript, page 3, line 21

Further cites to page 7, line 9 - as to the Court's comments to the defendant. Recommends whatever is imposed runs concurrently with Twin Falls County matters - (7+7) not to exceed 14.

Mr. Hobdey advises the Court the Twin Falls cases - Judge Bevan - Count 1 - 7 yrs (2+5); Count 2 5 yrs (1+4) consecutive. With recommendation for RSAT while incarcerated.

The Court inquires of the defendant and counsel, pursuant to I.C. 19-2510 whether there is any legal cause why judgment should not be pronounced in this matter. To which the defendant responded "no".

The parties have received and reviewed the previously ordered PSI in this matter and any ordered evaluations. The Court inquires of either party as to any corrections or additions to either document at this time.

Date: 6/13/2006

Time: 10:00 AM

Page 2 of 2

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 919

The Court will allow withdrawal of the guilty plea - Hobday to file his motion and a ruling will be made.

Continued to June 27, 2006

End Minute Entry.

Attest:



Deputy Clerk

GOODING DISTRICT COURT
GOODING COUNTY, IDAHO
FILED

2006 JUN 14 AM 10 24

Craig D. Hobdey
HOBDEY & HOBDEY
Attorney at Law
125 Fifth Avenue West
Gooding, Idaho 83330
Telephone (208) 934-4429
I.S.B. 3199

GOODING COUNTY CLERK
BY: _____
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,

Plaintiff,

v.

WILLIAM TROY HEDGECK,

Defendant.

Case No. CR-2005-0003468

**MOTION TO WITHDRAW
GUILTY PLEA**

COMES NOW, the above named Defendant, WILLIAM TROY HEDGECK, by through his attorney of record, Craig D. Hobdey, and hereby moves the Court to withdraw his plea of guilty entered in the above-entitled matter on April 18, 2006. This motion is made pursuant to Idaho Criminal Rule 33 and is supported by the Affidavit of the Defendant WILLIAM TROY HEDGECK, and the Affidavit of his attorney, Craig D. Hobdey, filed concurrently herewith.

This motion is further based upon a misinterpretation of a plea agreement. It was the Defendant's understanding, as was explained to him by his attorney, that the State would recommend that a concurrent sentence with whatever sentence he received in Twin Falls County, on a probation violation.

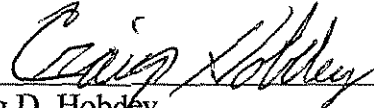
As explained by the Defendant's attorney, the understanding was that if the Defendant

MOTION TO WITHDRAW GUILTY PLEA

Page 1 of 2

received three years fixed on his Twin Falls County cases the State would recommend three years fixed on the Gooding County case. The State's interpretation was that they could recommend anything up to the maximum and that the first years would run concurrent with the Twin Falls County case but anything past that would obviously be beyond the Twin Falls County case. Obviously anything beyond what Twin Falls County imposed would not be concurrent and therefore there was some confusion.

DATED THIS 13 day of June, 2006.

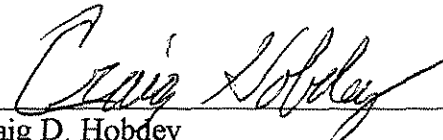


Craig D. Hobdey
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of June, 2006, I served a true and correct copy of the foregoing MOTION TO WITHDRAW GUILTY PLEA, AFFIDAVIT OF WILLIAM TROY HEDGECK and AFFIDAVIT OF CRAIG D. HOBDEY by hand delivery and addressed to the following:

Calvin Campbell
Gooding County Prosecutor
P.O. Box 86
Gooding, Idaho 83330



Craig D. Hobdey

MOTION TO WITHDRAW GUILTY PLEA

Page 2 of 2

GOODING CO. IDAHO
FILED

2005 JUN 14 AM 10 24

Craig D. Hobdey
HOBDEY & HOBDEY
Attorney at Law
125 Fifth Avenue West
Gooding, Idaho 83330
Telephone (208) 934-4429
I.S.B. 3199

GOODING COUNTY CLERK
BY: _____
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,

Plaintiff,

v.

WILLIAM TROY HEDGECK,

Defendant.

Case No. CR-2005-0003468

**AFFIDAVIT OF
CRAIG D. HOBDEY**

STATE OF IDAHO)

) SS.

County of Gooding)

CRAIG D. HOBDEY, upon his oath being first duly sworn, deposes and says:


1. I am an attorney duly licensed to practice in the State of Idaho with my principal practice in Gooding, Idaho.
2. From time to time I am appointed conflict criminal matters to act as Public Defender for Gooding County, as such I was appointed to represent the above Defendant.
3. Through plea negotiations the Defendant plead guilty to possession of forged bank bills. The State would not pursue a habitual enhancement and the State would

AFFIDAVIT OF CRAIG D. HOBDEY

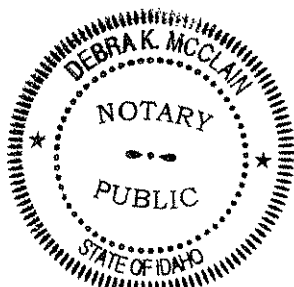
Page 1 of 2

26(a)

4. The Prosecutor and I never discussed the amount of time that they would recommend because, I assumed, it would correspond with what Twin Falls County imposed. However, at the time this was originally set for sentencing, the State recommended seven years fixed, which was four years more than imposed in the Twin Falls County case.
5. Regardless of where to place the blame, it is obvious that Affiant did not either fully explain the plea agreement to the Defendant, or Affiant misunderstood the plea agreement from its inception. In any event, it would be unjust to allow the plea to continue and the Defendant should be allowed to withdraw the same.


Craig D. Hobday

SUBSCRIBED AND SWORN to before me this 13 day of June, 2006.



AFFIDAVIT OF CRAIG D. HOBDEY

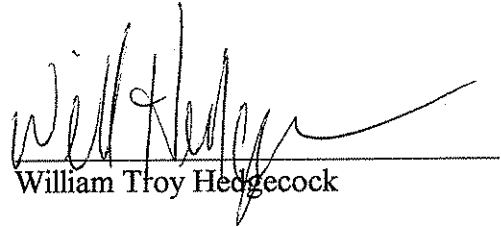
2003 JUN 14 AM 10 24

BY: _____
DEPUTY

Falls County the State would recommend probation in Gooding County. Therefore, when the Prosecutor recommended seven years fixed, while knowing that Twin Falls County had only imposed three years fixed, came as a shock to me.

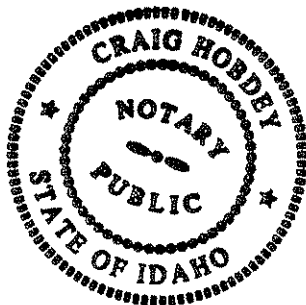
4. Based upon what my attorney had told me regarding the plea bargain and my understanding of what would happen I would not have plead guilty knowing that Gooding County would recommend any fixed time in excess of the fixed time imposed by Twin Falls County.

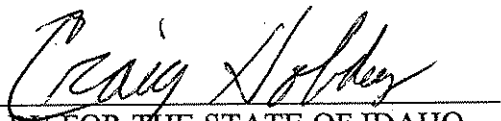
DATED THIS 13 of June, 2006.


William Troy Hedgecock

STATE OF IDAHO)
) SS.
County of Gooding)

SUBSCRIBED AND SWORN to before me this 13 day of June, 2006.




NOTARY FOR THE STATE OF IDAHO
Residing at: Gooding
Commission Expires: 10-24-06

AFFIDAVIT OF WILLIAM TROY HEDGECKOCK

Date: 6/27/2006

Time: 03:15 PM

Page 1 of 2

Fifth Judicial District Court - Gooding County

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

User: CYNTHIA

Hearing type:	Motion to Withdraw	Minutes date:	06/27/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	DC06-07
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 932 Court calls case at time noted above.
Mr. Calvin Campbell, Gooding County Prosecutor, appearing on behalf of the State.

Mr. Craig Hobdey Gooding County Conflict Public Defender, appearing on behalf of the defendant who is also present personally. (Incarcerated)

Motion to Withdraw the Guilty Plea

Tape Counter: 934 State objects to the motion to withdraw
Mr. Hobdey argues - cites to the affidavits filed - not a "meeting of the minds" with the State.

Cites Rule 33(3) as to withdrawal of guilty plea prior to sentencing with just cause.

Tape Counter: 937 The State argues in opposition.
Cites to discussion in the transcript of the change of plea held between the Court and Mr. Hedgecock regarding the "plea agreement".

Tape Counter: 942 Mr. Hobdey argues in response.
Not claiming the State breached the agreement - however there was no clear meeting of the minds.

Tape Counter: 943 The State cannot demonstrate any prejudice in trying the case.

Position asserted by Hedgecock is a stretch, however the Court will allow the withdrawal of the guilty plea.

The Court will set this matter for trial 2 days November 8, 2006.
Pretrial Oct 31, 2006.

Remanded.

Date: 6/27/2006

Time: 03:15 PM

Page 2 of 2

Fifth Judicial District Court - Gooding County

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 944

Plea agreement is gone.

End Minute Entry.

Attest:



Deputy Clerk

User: CYNTHIA

Craig D. Hobdey
Attorney at Law
125 5th Avenue
P.O. Box 176
Gooding, Idaho 83330
Telephone (208) 934-4429
Facsimile (208) 934-4420
I.S.B. #3199

GOODING CO. IDAHO
FILED

2006 JUN 28 AM 7 27

GOODING COUNTY CLERK
BY: 
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM TROY HEDGECK,

Defendant.

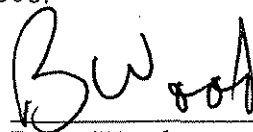
Case No. CR-2005-0003468

**ORDER ALLOWING WITHDRAWAL
OF GUILTY PLEA**

This matter having come before the Court on June 27, 2006, pursuant to motion filed by the Defendant to withdraw his plea of guilty, evidence, by the way of Affidavits of the Defendant and his attorney, being considered, and argument being heard; and good cause appearing therefore;

IT IS HEREBY ORDERED that the Defendant be allowed to withdraw his guilty plea; and the State is allowed to pursue the enhancement charge for habitual offender.

DATED THIS 27 day of June, 2006.



Barry Wood
District Judge

DISTRICT COURT
GOODING CO. IDAHO
FILED

2006 JUL 10 AM 10:51

GOODING COUNTY CLERK

BY: R. Turner
DEPUTY

Craig D. Hobdey
Attorney at Law
125 5th Avenue
P.O. Box 176
Gooding, Idaho 83330
Telephone (208) 934-4429
Facsimile (208) 934-4420
I.S. B. #3199

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM TROY HEDGECKOCK,

Defendant.

Case No. CR-2005-0003468

**AFFIDAVIT OF
CRAIG D. HOBDEY**

STATE OF IDAHO

County of Gooding

)
) SS.
)

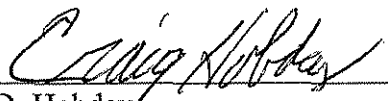
CRAIG D. HOBDEY, upon his oath being first duly sworn, deposes and says:

1. I am an attorney duly licensed to practice in the State of Idaho.
2. Affiant was appointed to represent WILLIAM TROY HEDGECKOCK, after Mr. Hedgecock had fired the Public Defender, Severt Swenson, Jr.
3. Your Affiant believed he had struck a plea bargain with the State of Idaho indicating to Mr. Hedgecock that he would receive no more jail time than that which he would receive in his probation violation out of Twin Falls, Idaho.
4. Upon reflection, it is apparent that Affiant's information for Mr. Hedgecock was incorrect. The State agreed to run the sentence concurrent with Twin Falls but did

not say they would recommend the same amount.

5. The Defendant has lost faith in counsel's representation and ability. Likewise, Affiant does not believe he can represent the Defendant in a zealous manner as required.
6. A copy of the Defendant's letter to Affiant is attached hereto, marked Exhibit A and is evidence of the Defendant's lack of trust in Affiant.
7. Therefore, Affiant feels that in the interest of justice he should be allowed to withdraw and the Defendant be appointed an alternate Public Defender.

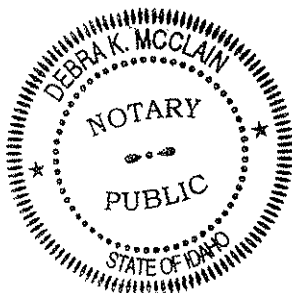
DATED THIS 10 of July, 2006.




Craig D. Hobdey

STATE OF IDAHO)
) SS.
County of Gooding)

SUBSCRIBED AND SWORN to before me this 10 day of July, 2006.





NOTARY FOR THE STATE OF IDAHO
Residing at: Gooding
Commission Expires: 10-02-08

EXHIBIT A

Mr. Hobbs.

7-3-0

Sir I would please ask you to inform the courts that I would be asking you to withdraw from my case.

I have lost faith in your ability to represent me. You made it clear before I plead guilty that there was a plea agreement made, that I would receive no extra time then I already had. You made my promises. You lied to me, and threw out all of this I told you I am not guilty of this crime. I have for I fear I will not receive my American born right of the United States Constitution (AMENDMENT 6) And to have the Assistance of Counsel for his defence.

If you would please do this as soon as you can so I can move on and not have any delays.

Thank you.

William Troy Hedgecock

Date: 7/11/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 10:34 AM

Minutes Report

Page 1 of 1

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Motion to Withdraw	Minutes date:	07/11/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	Dc06-09
Prosecutor:	Calvin H. Campbell		
Defense attorney:	Craig D. Hobdey		

Tape Counter: 913 The court calls the case at the time noted.
Mr. Campbell for the State.
Mr. Hobdey for the defendant who is also present personally.

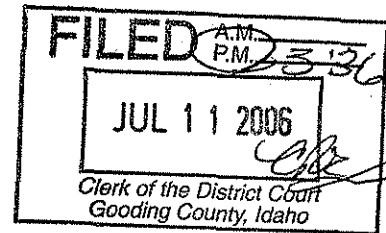
Tape Counter: 91340 Motion to withdraw counsel filed.
Mr. Hobdey argues his motion.
Defendant has asked him to withdraw - he has recently been allowed to withdraw his guilty plea.

Tape Counter: 91438 The State has no objection.
Discussion as to appointment of counsel.
Mr. David Heida appointed.
Motion granted.

Tape Counter: 915 End Minute Entry.

Attest: 
Cynthia R. Eagle-Ervin

Craig D. Hobdey
Attorney at Law
125 5th Avenue
P.O. Box 176
Gooding, Idaho 83330
Telephone (208) 934-4429
I.S.B. #3199
Attorney for Defendant



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

THE STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM TROY HEDGECK,

Defendant.

Case No. CR-2005-0003468

**ORDER OF WITHDRAWAL
OF ATTORNEY**

This matter having come before the Court on July 11, 2006, pursuant to Motion Of Withdrawal of Attorney filed by the Defendant; and argument being heard and no objection having been stated;

IT IS HEREBY ORDERED AS FOLLOWS:

1. Craig D. Hobdey is no longer attorney of record for the above Defendant.
2. David Heida is appointed to represent the Defendant in this matter. The pre-trial conference is still scheduled for October 31, 2006 at 9:00 a.m. and jury trial is scheduled to commence November 8, 2006 at 9:00 a.m.
3. Craig D. Hobdey is hereby ordered to turn over all his materials to David Heida upon Mr. Heida's request.

DATED THIS 11 day of July, 2006.


Barry Wood
District Judge

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 11 day of July, 2006, I served a true and correct copy of the foregoing **ORDER OF WITHDRAWAL OF ATTORNEY** by the method indicated below and addressed to the following:

David Heida Hand Delivered
Attorney at Law

Craig Hobdey Hand Delivered
Attorney at Law

Calvin Campbell Hand Delivered
Gooding County Prosecutor


Clerk

David Heida, ISB # 6980
ARKOOSH LAW OFFICES
Post Office Box 32
301 Main Street
Gooding, Idaho 83330
Telephone: (208) 934-8872
Fax: (208) 934-8873

2006 JUL 27 PM 3:13

GOODING COUNTY CLERK

BY: R. Turner
DEPUTY

ATTORNEY FOR DEFENDANT


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,)	Case No. CR-2005-3468
)	
Plaintiff,)	
)	
vs.	)	MOTION TO ENLARGE
	)	TIME FOR FILING IDAHO
WILLIAM TROY HEDGECK	)	CRIMINAL RULE 12(b)
	)	MOTIONS
Defendant.)	
)	

COMES NOW, WILLIAM TROY HEDGECK, by and through his attorney of record, David Heida, of Arkoosh Law Offices, Chtd., and moves this Honorable Court for its Order enlarging the time of filing Idaho Criminal Rule 12(b) Motions pursuant to Idaho Criminal Rule 12(d). Good cause for granting the motion or in the alternative, excusable neglect, is based upon the pleadings and files contained in the Court's record concerning the revocation of the defendant's guilty plea and change of counsel. Oral argument is requested.

DATED this 27 day of July, 2006.

ARKOOSH LAW OFFICES, CHTD.

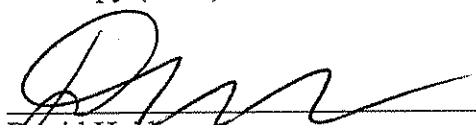

David Heida

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of July, 2006, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

☒ U.S. Mail, postage prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)


David Heida

Date: 8/1/2006
Time: 09:42 AM
Page 1 of 1

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Motion	Minutes date:	08/01/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	Dc06-10
Prosecutor:	Calvin H. Campbell		
Defense attorney:	David Heida		

Tape Counter: 907

Court calls case at time noted above.

Mr. Calvin Campbell, Gooding County Prosecutor, appearing on behalf of the State.

Mr. David Heida Gooding County Conflict Public Defender, appearing on behalf of the defendant who is also present personally (Incarcerated)

Pretrial conference - Matter scheduled for trial to commence: Nov 8, 2006

Motion to enlarge time for filing.

No objection by the State.

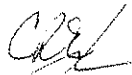
28 days from today.

So ordered.

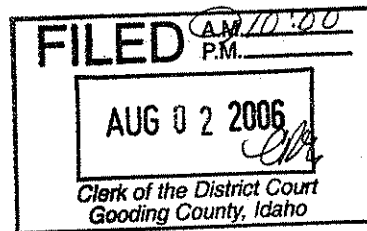
Tape Counter: 909

End Minute Entry.

Attest:


Cynthia R. Eagle-Ervin

David Heida, ISB # 6980
ARKOOSH LAW OFFICES
Post Office Box 32
301 Main Street
Gooding, Idaho 83330
Telephone: (208) 934-8872
Fax: (208) 934-8873



ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,	)	Case No. CR-2005-3468
)	
Plaintiff,)	
	)	ORDER ON
vs.	)	MOTION TO ENLARGE
	)	TIME FOR FILING IDAHO
WILLIAM TROY HEDGECK	)	CRIMINAL RULE 12(b)
	)	MOTIONS
Defendant.)	

THIS MATTER, having come before the court upon defendant's *Motion to Enlarge Time For Filing Idaho Criminal Rule 12(b) Motions* and good cause appearing therefore, now,

IT IS HEREBY ORDERED that the defendant's *Motion to Enlarge Time For Filing Idaho Criminal Rule 12(b) Motions* is granted and defendant is given twenty-eight (28) days from August 2, 2006, to file said Idaho Criminal Rule 12(b) motions.

DATED this 2 day of August, 2006.



Honorable Barry Wood

ORDER ON MOTION TO ENLARGE TIME FOR FILING IDAHO CRIMINAL RULE
12(b) MOTIONS-1

36
ORIGINAL

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of August, 2006, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

☐ U.S. Mail, postage prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)

David Heida
P.O. Box 32
Gooding, ID 83330

☐ U.S. Mail, postage prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)




Deputy Clerk

DISTRICT COURT
GOODING CO. IDAHO
FILED

David Heida, ISB # 6980
ARKOOSH LAW OFFICES
Post Office Box 32
301 Main Street
Gooding, Idaho 83330
Telephone: (208) 934-8872
Fax: (208) 934-8873

2006 AUG 28 PM 2:51

GOODING COUNTY CLERK

BY:  DEPUTY

ATTORNEY FOR DEFENDANT


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,)	Case No. CR-2005-3468
)	
Plaintiff,)	
)	
vs.	)	MOTION TO SUPPRESS
)	
WILLIAM TROY HEDGECK)	
)	
Defendant.)	
_____)	

COMES NOW, Defendant, by and through David Heida, his attorney, of
ARKOOSH LAW OFFICES, CHTD., and moves this honorable court to suppress the
statements the defendant made and evidence seized in violation of the defendant's rights
under the United States Constitution and Idaho State Constitution.

DATED this 28 day of August, 2006.

ARKOOSH LAW OFFICES, CHTD.

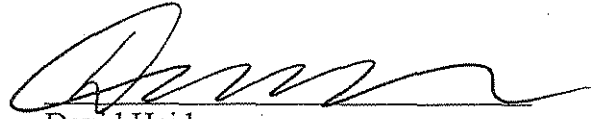

David Heida
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of August, 2006, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

☐ U.S. Mail, postage prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)


David Heida

Date: 10/3/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 02:32 PM

Minutes Report

Page 1 of 3

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Motion to Suppress	Minutes date:	10/03/2006
Assigned judge:	Barry Wood	Start time:	10:30 AM
Court reporter:	Linda Ledbetter	End time:	10:30 AM
Minutes clerk:	CYNTHIA	Audio tape number:	DC06-12
Prosecutor:	Calvin H. Campbell		
Defense attorney:	David Heida		

Tape Counter: 1127 Court calls case at time noted above.
Mr. Calvin Campbell, Gooding County Prosecutor, appearing on behalf of the State.

Mr. David Heida, Gooding County Public Defender, appearing on behalf of the defendant who is also present personally. (Incarcerated)

Tape Counter: 1128 Time set for Motion to Suppress.
Mr. Heida indicates he is ready to proceed on his motion.
Gives the Court an opening statement with basis of motion.
Would submit on the preliminary hearing transcript. Doesn't believe there is any need of further testimony today. They believe the facts contained within the preliminary hearing transcript provide a basis to grant the motion to suppress.

Mr. Campbell comments in response - thee are two points that need to have additional testimony that was not contained in the preliminary hearing transcript.

Mr. Heida will allow further foundation with the witnesses.

Tape Counter: 1134 **FRANK NEUMEYER,**
called as a witness by the State, was duly sworn upon his oath by the clerk and testified.
Direct examination by Mr.Campbell.
Sr. Probation and Parole officer, State of Idaho.

Objection by Mr. Heida - hearsay.
Mr. Campbell argues.
The Court overrules the objection - cites the rule - do not apply to revocation proceedings.
IRE 101(e)(3)
Mr. Heida indicates these are not revocation proceedings.
The Court stands corrected.

Tape Counter: 1141 Mr. Campbell continues direct examination.

Date: 10/3/2006

Time: 02:32 PM

Page 2 of 3

Fifth Judicial District Court - Gooding County

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

User: CYNTHIA

Selected Items

Tape Counter: 1158

The Court inquires - way beyond the scope of the motion to suppress.
Mr. Campbell argues.

Tape Counter: 1158

Mr. Heida indicates that's why he hasn't objected.

Tape Counter: 115855

Mr. Campbell continues.

Cross-examination by Mr. Heida.

Mr. Campbell stipulates to the fact of the reason of the stop.

Mr. Heida approaches the Clerk ----- marked for identification Defense Exhibit #1 -
Judgment of Conviction - Twin Falls County case CR _____

The Court inquires of the State as to applicable case law.

Mr. Campbell indicates he was unaware of the issue before today - has not had a chance
to prepare case law.

Tape Counter: 1206

Moves for admission of Defendant's Exhibit #1.
No objection by the State.

Tape Counter: 1207

Defendant's Exhibit #1 admitted by the Court without objection.

Mr. Heida continues.

Witness cites to page 8, item #10 for authority. Reads for the record. Further cites to
Exhibit "A" - Supervision agreement, page 13, para 6 - again reads into the record.

Tape Counter: 1210

Re-direct examination by Mr. Campbell.

Tape Counter: 1211

The State believes the record is complete as far as the State is concerned.

Tape Counter: 1212

DAVID KIGER,

called as a witness by the defense, was duly sworn upon his oath by the Clerk and
testified.

Direct examination by Mr. Heida.

Gooding County Sheriff's Office.

Tape Counter: 1219

Cross-examination by Mr. Campbell.

The Court inquires of the witness.

Witness excused.

Tape Counter: 1220

Mr. Heida asks for a moment to confer with his client.

WILLIAM TROY HEDGECKOCK

the defendant in this action, was called, sworn upon his oath by the clerk and testified.

Direct examination by Mr. Heida.

Tape Counter: 1228

Cross-examination by Mr. Campbell.

Witness excused.

41

Date: 10/3/2006

Time: 02:32 PM

Page 3 of 3

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 1230

JEROMY SMITH,

called to the stand by the State, was duly sworn upon his oath by the Clerk and testified.
Direct examination by Mr. Campbell.

Tape Counter: 1237

Gooding County Sheriff's Office - Patrol Deputy.

Cross-examination by Mr. Heida.

The Court inquires of witness.

Re-cross-examination by Mr. Heida.

Witness excused.

Tape Counter: 1242

The Court will make findings:

- 1) Defendant was on felony level probation
- 2) had listed a Wendell address
- 3) P&P went to residence;
- 4) discovered drugs on Secord
- 5) discovered scanning machine
- 6) had information from City officer Wendell that Hedgecock had been stopped in a vehicle sometime previously;
- 7) vehicle matching that description pulled up, couldnt tell who;
- 8) Neumeyer instructed Kiger to stop vehicle;
- 9) Kiger stopped the vehicle;
- 10) Jeromy Smith was not present at the time the vehicle went by residence;
- 11) when Smith arrived at the stop the defendant was already outside the vehicle;
- 12) that's when search commenced.

The Court conditionally denies the motion to suppress - pending on further legal caselaw - what basis is Hedgecock's to object.

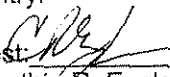
The Court wants the matters in writing.

Secondly any statement as to effect of waiver signed by Hedgecock as to the search and seizure.

Parties to have the briefing not later than October 20th; gives State until 27th to respond; rebuttal by Nov 3 and a decision will issue.

Tape Counter: 1247

End Minute Entry.

Attest: 
Cynthia R. Eagle-Ervin

David Heida, ISB # 6980
ARKOOSH LAW OFFICES
Post Office Box 32
301 Main Street
Gooding, Idaho 83330
Telephone: (208) 934-8872
Fax: (208) 934-8873

DISTRICT COURT
GOODING, IDAHO
2006 OCT 16 PM 4:09
CLERK
HJ

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,	)	Case No. CR-2005-3468
)	
Plaintiff,)	
	)	MEMORANDUM IN SUPPORT
vs.	)	OF MOTION TO SUPPRESS
)	
WILLIAM TROY HEDGECK)	
)	
Defendant.)	
_____)	

I.
FACTS

The District Court made oral specific findings of fact contained in the court's record concerning Mr. Hedgecock's *Motion to Suppress* on October 3, 2006. A recitation of the facts for purposes of this *Memorandum In Support of Motion to Suppress* are unnecessary due to said recitation.

II.
ISSUES

1. Whether Mr. Hedgecock as a passenger of the stopped vehicle has standing to contest the stop.
2. Whether Mr. Hedgecock waived his Idaho State and United States Constitutional rights to be free from unreasonable seizures.

III. LAW

The Fourth Amendment of the United States Constitution and Art. I, § 17 of the Idaho Constitution forbid unreasonable searches and seizures. Under the Fourth Amendment, an officer may stop a vehicle to investigate possible criminal behavior if there is a reasonable and articulable suspicion that the vehicle is being operated contrary to traffic laws. *United State v. Cortez*, 449 U.S. 411, 417, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981); *State v. Rawlings*, 121 Idaho 930, 932, 829 P.2d 520, 522 (Idaho 1992); *State v. Kinser*, 141 Idaho 557, 559, 112 P.3d 845, 847 (Id. App. 2005).

A traffic stop by an officer constitutes a seizure of the vehicle's occupants and implicates the Fourth Amendment's prohibition against unreasonable searches and seizures. *Delaware v. Prouse*, 440 U.S. 648, 653, 99 S.Ct. 1391, 1396, 59 L.Ed.2d 660, 667 (1979); *State v. Roe*, 140 Idaho 176, 180, 90 P.3d 926, 930 (Id. App. 2004). Although a vehicle stop is limited in magnitude compared to other types of seizures, it is nonetheless a "constitutionally cognizable" intrusion and therefore may not be conducted "at the unbridled discretion of law enforcement officials." *Delaware v. Prouse*, 440 U.S. 648, 661, 99 S.Ct. 1391, 1400, 59 L.Ed.2d 660, 672 (1979).

Under the Fourth Amendment, an officer may stop a vehicle to investigate possible criminal behavior if there is a reasonable and articulable suspicion that the vehicle is being driven contrary to traffic laws. *United State v. Cortez*, 449 U.S. 411, 417, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981); *State v. Rawlings*, 121 Idaho 930, 932, 829 P.2d 520, 522 (Idaho 1992); *State v. Kinser*, 141 Idaho 557, 559, 112 P.3d 845, 847 (Id. App. 2005).

Both the driver of a vehicle and a passenger in the vehicle have standing to contest the reasonableness of an investigatory stop of the vehicle as well as its continued detention. *State v. Haworth*, 106 Idaho 405, 679 P.2d 1123 (Idaho 1984); *State v. Luna*, 126 Idaho 235, 237, 880 P.2d 265, 267 (Id. Ct. App. 1994); *U.S. v. Twilley*, 222 F3d 1092 (9th Cir. 2000). The reasonableness of the suspicion must be evaluated upon the totality of the circumstances at the time of the stop. *State v. Ferreira*, 133 Idaho 474, 483, 988 P.2d 700, 709 (Id. Ct. App. 1999).

The reasonable suspicion standard requires less than probable cause but more than mere speculation or instinct on the part of the officer. *Id.* An officer may draw reasonable inferences from the facts in his or her possession, and those inferences may be drawn from the officer's experience and law enforcement training. *State v. Montague*, 114 Idaho 319, 321, 756 P.2d 1083, 1085 (Id. Ct. App. 1988). Suspicion will not be found to be justified if the conduct observed by the officer fell within the broad range of what can be described as normal driving behavior. *State v. Atkinson*, 128 Idaho 559, 561, 916 P.2d 1284, 1286 (Id. Ct. App. 1996);); *State v. Roe*, 140 Idaho 176, 180, 90 P.3d 926, 930 (Id. App. 2004).

IV. ARGUMENT

A. Mr. Hedgecock has standing to contest the stop of the vehicle he was a passenger in.

Both the driver of a vehicle and a passenger in the vehicle have standing to contest the reasonableness of an investigatory stop of the vehicle as well as its continued detention. *State v. Haworth*, 106 Idaho 405, 679 P.2d 1123 (Idaho 1984); *State v. Luna*, 126 Idaho 235, 237, 880 P.2d 265, 267 (Id. Ct. App. 1994); *U.S. v. Twilley*, 222 F3d.

1092 (9th Cir. 2000). Thus, given the clear case law in both the state and federal courts, Mr. Hedgecock has standing to challenge the lawfulness of the stop.

B. Mr. Hedgecock's *Judgment of Conviction and Agreement of Supervision* contain no language which waive his state and federal protection against unreasonable seizure.

Defendant's Exhibit "1", William Troy Hedgecock's *Judgment of Conviction and Agreement of Supervision* in Twin Falls County Case No. CR-04-6692, contained the terms and conditions of his release on probation. Specific terms were outlined by the court and the Idaho Department of Probation and Parole. Two of those specific conditions related to Mr. Hedgecock's consent to searches by law enforcement. They read as follows:

10. Submit to Searches: The defendant shall submit to a search of his/her person, residence or vehicle at the request of any Probation Officer or a police officer.

6. SEARCH: I agree and consent to the search of my person, automobile, real property, and any other property at any time at any place by any Agent of the Division of Community Corrections or any police officer and waive my constitutional right to be free from searches.

Judgment of Conviction, pp. 8, 13.

An overall condition of Mr. Hedgecock's Probation required him not to break any laws and comply with lawful requests of law enforcement. Said condition reads:

1. LAWS AND COOPERATION: I shall respect and obey all laws and comply with any lawful request of my supervising officer, any agent of the Division of Community Corrections, or any police officer.

Judgment of Conviction, p. 13.

The above cited language created standard conditions that Troy Hedgecock was required to abide by while on probation. The first two conditions relate only specifically to searches. The word "seizure" is never once mentioned in the language of the

Judgment of Conviction or Acceptance of Probation that Troy Hedgecock signed. Moreover, the language contained in the document only relates to the waiver of "my constitutional right to be free from such searches" in the singular and not the plural. Each and every individual in the State of Idaho has a right under the United States and State of Idaho Constitutions to be free from searches. This plurality of freedom under both constitutions to be free from searches also extends to seizures unless specifically waived. The right to be free from unreasonable seizure is a right distinct from the right to be free from searches.

The language of the *Judgment of Conviction and Acceptance of Probation* contain no explicit waiver of the right to be free from unreasonable seizures under the United States Constitution or State of Idaho Constitution. Any such seizure by a law enforcement officer or probation officer is predicated on a lawful request by said officer or reasonable suspicion.

In this case, no such lawful request occurred nor did the information any of the law enforcement officers possess rise to the level of reasonable suspicion. The only evidence educed at the suppression hearing tying Mr. Hedgecock to the Blazer was that he had been seen in the vehicle a couple of weeks prior to the night of November 1, 2005, and there was an indiscernible passenger in the vehicle as it stopped at the stop sign near Mr. Hedgecock's residence. No more evidence was presented by the state concerning reasonable suspicion to stop the vehicle.

As outlined in the testimony educed at the suppression hearing, there were no traffic laws, statutes or city ordinances violated by the driver of the vehicle Mr. Hedgecock was traveling in, nor was there a lawful request by any governmental agent

for Mr. Hedgecock to stay where he was at. The rationale was simply to seize the Blazer because Mr. Hedgecock had been traveling in it some week prior.

The state has failed to meet its burden that the stop of the vehicle Mr. Hedgecock traveled in on the night of his arrest was justified by reasonable suspicion. The officer who pulled the vehicle over merely had a hunch that Mr. Hedgecock may have been in the vehicle some time prior. Given the time frame law enforcement had last seen Mr. Hedgecock in the vehicle and law enforcement's inability to decipher who was in the passenger seat of the vehicle, reasonable suspicion cannot be found to justify the stop of the Blazer. Furthermore, a probation officer's command to seize a vehicle which the defendant had been in approximately one week prior to the stop does not negate the unlawfulness of the stop. Neither the probation officer or Officer Kiger had authority to "seize" Mr. Hedgecock in violation of his state and federal constitutional rights.

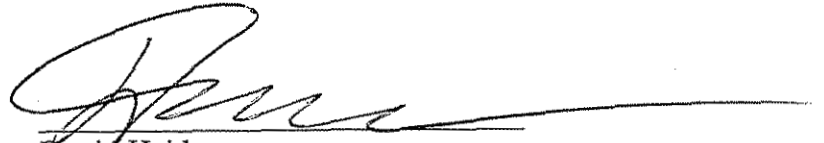
Whether the evidence seized was in plain view or the evidence was found pursuant to a lawful search, an unconstitutional seizure occurred prior to the discovery of the tainted evidence and must be suppressed. The basis for the stop was for no other reason than at the direction of the probation officer, who had no authority to direct such a seizure. The *Judgment of Conviction and Probation Agreement* had no effect upon Mr. Hedgecock's seizure rights embodied under the United States and Idaho Constitutions. Thus, given there was no reasonable suspicion to seize Mr. Hedgecock, the evidence obtained as a result of an unconstitutional seizure must be suppressed.

V. CONCLUSION

Based on the foregoing, the defendant respectfully requests this honorable court grant his motion to suppress.

DATED this 16 day of October, 2006.

ARKOOSH LAW OFFICES, CHTD.

A handwritten signature in black ink, appearing to read 'David Heida', with a long horizontal flourish extending to the right.

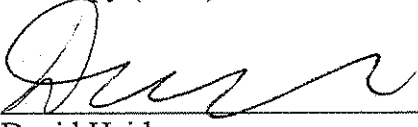
David Heida
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of October, 2006, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

☒ U.S. Mail, postage prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)



David Heida

Date: 10/31/2006

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 09:31 AM

Minutes Report

Page 1 of 1

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Pretrial Conference	Minutes date:	10/31/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda Ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	Dc06-13
Prosecutor:	Calvin H. Campbell		
Defense attorney:	David Heida		

Tape Counter: 907

Court calls case at time noted above.
Mr. Calvin Campbell, Gooding County Prosecutor, appearing on behalf of the State.
Mr. David Heida, Public Defender, appearing on behalf of the defendant who is also present personally (Incarcerated)

Pretrial conference - Matter scheduled for trial to commence: November 8, 2006
Jury instructions due to the Court by:

Tape Counter: 909

The pending motion to suppress has not been decided.
The trial date will need to be moved.
Discussion about the speedy trial time.

The Court conditionally denied the motion - has reviewed the briefing and again denies the motion - makes the finding the police had a reasonable articulable suspicion to stop the vehicle.

Tape Counter: 910

November 29, 2006
Final pretrial November 28th

Tape Counter: 911

Jury instruction due by November 22nd.
End Minute Entry.

Attest: 
Cynthia R. Eagle-Ervin

Date: 12/5/2006
Time: 01:28 PM
Page 1 of 2

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Pretrial Conference	Minutes date:	12/05/2006
Assigned judge:	Barry Wood	Start time:	09:00 AM
Court reporter:	Linda ledbetter	End time:	09:00 AM
Minutes clerk:	CYNTHIA	Audio tape number:	DC06-15
Prosecutor:	Calvin H. Campbell		
Defense attorney:	David Heida		

Tape Counter: 1002 Court calls case at time noted above.
Mr. Calvin Campbell, Gooding County Prosecutor, appearing on behalf of the State.

Tape Counter: 100335 Mr. David Heida, Gooding County Public Defender, appearing on behalf of the defendant who is also present personally (Incarcerated)
Counsel for the defense indicates to the Court that his client will change his plea to guilty pursuant to certain plea negotiations with the State. For the record, those negotiations are as follows:
Will plead - conditionally - May enter a written rule 11 until next week.

The Court notes can enter plea today or continue this matter one week to allow the parties to submit the written rule 11 plea agreement.

Tape Counter: 1006 Mr. Heida indicates they wish to reserve this Court's adverse ruling on the motion to suppress.
Mr. Heida comments further - Pleading to possession of forged bank notes.
The State will recommend 14 years unified. Sentence to run concurrent with Twin Falls County cases -

Tape Counter: 1007 The State concurs with that explanation of Mr. Heida. -- leaving the determinate/indeterminate to the Court's discretion.
The Clerk administers an oath to the defendant for further inquiry by the Court:
The Court advises the defendant of the nature of the charges against him; the minimum and maximum penalties and other possible consequences therefore; that the defendant is not required to make any statement; presumption of innocence and that by entering a plea of guilty to the above identified charges, certain rights would be waived.

Date: 12/5/2006

Time: 01:28 PM

Page 2 of 2

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 1008

The Court reviews the terms of the plea agreement with the defendant.

The Court inquires of whether any promises have been made to the defendant and advises the defendant that the Court is not bound to any promise or recommendation made by either counsel as to the punishment. Further as to the defendant's satisfaction with counsel and specifically to counsel the nature and extent of discovery conducted in this matter.

Mr. Heida comments further -

Parties approach the bench to speak with the Court off the record.

Back on the record all parties.

Tape Counter: 101735

The Defendant pleads guilty to the charges/pursuant to the plea agreement.

The Court, upon further inquiry, accepts the guilty plea as knowingly, voluntary and upon advice of counsel.

A Pre-sentence investigation is ordered in this matter. Department of corrections personnel is present in the courtroom.

No additional reports requested - Sentencing scheduled in this case at 9:00 a.m. in Gooding County on Tuesday: January 23, 2007

Tape Counter: 1019

Defendant remanded.

End Minute Entry.

Attest


Cynthia R. Eagle-Ervin

David Heida, ISB # 6980
ARKOOSH LAW OFFICES
Post Office Box 32
301 Main Street
Gooding, Idaho 83330
Telephone: (208) 934-8872
Fax: (208) 934-8873

CLERK OF DISTRICT COURT
GOODING, IDAHO

2006 DEC 11 PM 3:34

BY: R. Cota
DEPUTY

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,)	Case No. CR-2005-3468
)	
Plaintiff,)	
)	
vs.	)	CONDITIONAL GUILTY PLEA
)	
WILLIAM TROY HEDGECOCK)	
)	
Defendant.)	
_____)	

COMES NOW the Defendant, William Troy Hedgecock, by and through his attorney of record, David Heida of Arkoosh Law Offices, Chtd., and enters a conditional guilty plea to Possession of Forged Bank Bills, I.C. § 18-3605, pursuant to Idaho Criminal Rule 11(a)(2) and is conditioned upon reservation of the right to appeal the denial of his *Motion to Suppress* decided upon the oral record of the court on October 31, 2006. William Troy Hedgecock enters into this plea knowingly and voluntarily, but reserves the right to withdraw this plea of guilt should he prevail on appeal.

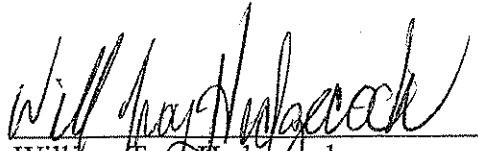
WHEREFORE, based on the above and foregoing, and for such other reasons as appear appropriate to this Honorable Court, William Troy Hedgecock requests that this Court accept
CONDITIONAL GUILTY PLEA- 1

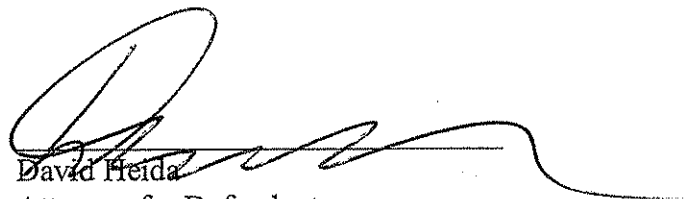
Conditional

46
ORIGINAL

his Conditional Guilty Plea

DATED this 11 day of December, 2006.


William Troy Hedgecock
Defendant


David Heida
Attorney for Defendant

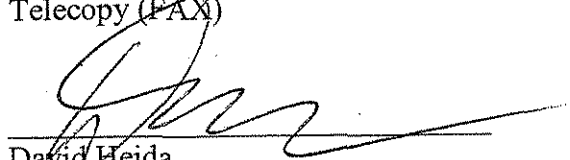
CONDITIONAL GUILTY PLEA- 2

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of December, 2006, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

☐ U.S. Mail, postage prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)



David Heida

Date: 1/24/2007

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 10:10 AM

Minutes Report

Page 1 of 4

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Hearing type:	Sentencing	Minutes date:	01/23/2007
Assigned judge:	Barry Wood	Start time:	09:49 AM
Court reporter:	Linda Ledbetter	End time:	11:15 AM
Minutes clerk:	CYNTHIA	Audio tape number:	DC07-01
Prosecutor:	Calvin H. Campbell		
Defense attorney:	David Heida		

Tape Counter: 949

Court calls case at time noted above.

Mr. Calvin Campbell, Gooding County Public Defender is present on behalf of the State.

Mr. David Heida appearing on behalf of the Defendant, who is also present personally (Incarcerated)

The Court reviews the file for the record. Pursuant to I.C. 19-2510, the defendant was previously informed by the Court as to the nature of the information that was filed in this matter and the maximum penalties as to each count.

48a

Date: 1/24/2007

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Time: 10:10 AM

Minutes Report

Page 2 of 4

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 95139

The Court inquires of the defendant and counsel, pursuant to I.C. 19-2510 whether there is any legal cause why judgment should not be pronounced in this matter. To which the defendant responded "no".

The parties have received and reviewed the previously ordered PSI in this matter and any ordered evaluations. The Court inquires of either party as to any corrections or additions to either document at this time. None noted by the Defendant.

Mr. Heida does take issue with matters in the underlying criminal history that contains the original PSI - May 31, 2005 with cover letter of May 18, 2006. Specifically page 3 of that report; 4th para as to the provider discharging him from treatment. Argues that he did complete program but failed to follow in aftercare. Notes additional portions of the document to the Court that he challenges.

Mr. Heida advises the Court of the underlying sentencing agreement between the parties - Parties approach the bench for a side bar discussion held off the record. Back on the record - the Court requires the parties to put the matter on the record.

Mr. Heida confers with Mr. Hedgecock and then responds to the Court that he stands silent concerning what was outlined at the bench. Mr. Campbell responds that nothing was provided by the defendant to change his recommendation. The Court comments further as to Mr. Hedgecock's meeting with investigators and nothing provided has resulted in a change of the State's recommendations. Mr. Campbell comments further - Mr. Hedgecock was cooperative.

The Court further notes -

- more than two days have elapsed since the entry of the plea and sentencing; there is no contention by either party that the report does not contain the information required by Rule 32(b).
- there is no request for additional time or additional reports by either party.

The Court further inquires as to victims wishing to address the Court and/or restitution in this case.

Tape Counter: 1007

LIEUTENANT GERILYN "SAM" GIBBS,
called by the defense, was duly sworn upon her oath and testified.
Direct examination by Mr. Heida.
Jail Administrator for Gooding County
Identifies the defendant, Mr. Hedgecock.

Cross examination by Mr. Campbell.
Discussion of contraband being brought into jail by the defendant.
Violations for tobacco.

Re-direct examination by Mr. Heida.
Witness excused.

Date: 1/24/2007

Time: 10:10 AM

Page 3 of 4

Fifth Judicial District Court - Gooding County

User: CYNTHIA

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

Tape Counter: 1018

Mr. Heida inquires whether the Court has received the Notice of Deposit that was filed late yesterday afternoon.

The Court will recess to review that document.
Recess.

Tape Counter: 1035

Back on the record all parties.

The Court has reviewed the contents of the Notice of Deposit filed by the defense with letters included on behalf of the defendant.

Mr. Campbell doesn't know the exact breakdown of all of the Twin Falls County matters.

Mr. Heida indicates a 2-5 and a 1-4 consecutive in Twin Falls County, which amounts to a 3 year fixed, with approx 1 year 9 months time served.

The State makes a sentencing recommendation on behalf of the State: Recites a brief history of this matter - the State recommends that there is a unified 14 to run concurrent with Twin Falls. Taking into consideration his "efforts". Not appropriate to release on probation. Will defer to the Court to impose the appropriate breakdown of the 14 year maximum.

The defendant, through his counsel, makes a sentencing recommendation: Discusses the long and substantiated substance abuse and criminal history, albeit non-violent felonies. Has made significant changes while incarcerated. Asking the Court to run any determinate amount concurrent with Twin Falls County cases. Further asking the Court to impose a 2 year determinate sentence with remainder indeterminate.

The Defendant addresses the Court: Been on the street since he was 14 - has made "many, many mistakes" - tired of the lifestyle and having to deal with this. Has the support of his family for the first time since he was a kid.

Tape Counter: 105630

The Court comments, having reviewed the contents of the file, considered the objectives of sentencing as set forth by the Supreme Court, the nature of the offense, the character of the defendant, the reasonableness of the sentence, discusses the sentencing options and imposes sentence as follows:

SENTENCE IMPOSED:

Court costs of \$97.50

Fine in the amount of \$1000.

Restitution: none requested

Uniform Sentence of 14 years, consisting of a mandatory minimum period of incarceration with the State Board of Corrections for 7 years, with an indeterminate period of 7 years. Concurrent with Twin Falls cases.

Defendant is to receive 337 days credit for time previously served.

Date: 1/24/2007

Time: 10:10 AM

Page 4 of 4

Fifth Judicial District Court - Gooding County

Minutes Report

Case: CR-2005-0003468

Defendant: Hedgecock, William Troy

Selected Items

User: CYNTHIA

Tape Counter: 1114

Parties are instructed to return all outstanding copies of the PSI and evaluations to the Clerk to be destroyed or sealed within the file.


The Court reviews the terms of the Judgment of Conviction in open Court with the Defendant. The Clerk will file the judgment pursuant to the Rule when signed by the Court, copies will be made and given to the defendant and counsel of record.

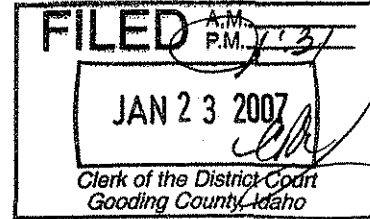
The Defendant is advised of his right to appeal the judgment of the Court within forty two (42) days from today.

The Department of Corrections has 14 days in which to pick up the defendant and take into custody from the County Sheriff. The Defendant is remanded to the Sheriff for delivery to the Department of Corrections and/or to serve county jail.

Tape Counter: 1115

End Minute Entry.

Attest: 
Cynthia R. Eagle-Ervin



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

State of Idaho,

Plaintiff,

vs.

Case No. CR-2005-0003468

William Troy Hedgecock

SSN [REDACTED]

DOB [REDACTED]

Defendant.

JUDGMENT OF CONVICTION
UPON A PLEA OF GUILTY TO ONE FELONY COUNT,
AND ORDER OF COMMITMENT.

I. APPEARANCES.

1. The date of sentencing was 01/23/07, (hereinafter called sentencing date).
2. The State of Idaho was represented by counsel, Calvin H. Campbell, of the Gooding County Prosecutor's office.
3. The defendant, William Troy Hedgecock, appeared personally. I.C. § 19-2503.
4. The defendant was represented by counsel, David Heida.
5. Barry Wood, District Judge, presiding.

II. ARRAIGNMENT FOR SENTENCING; I.C. § 19-2510, I.C.R. 33.

1. **Arraignment:** The defendant, William Troy Hedgecock, was informed by the Court at the time of the sentencing of the nature of charge and the defendant's plea, which in this case was:

Crime of: Possession of Forged Bank Bills, a felony.

Idaho Code Section(s): 18-3605.

Maximum Penalty: Court costs, restitution, not less than one (1) up to fourteen (14) years imprisonment, up to fifty thousand dollar (\$50,000) fine, or both such fine and imprisonment.

Idaho Code Section(s): 18-3605; 18-112A.

Guilty by Plea -- date of: 12/05/06.

2. **Grounds for Not Entering Judgment (I.C. §§ 19-2510, 19-2511):** The defendant was then asked by the Court whether the defendant had any legal cause to show why judgment should not be pronounced against the defendant, to which the defendant responded "No."

III. PLEA OF GUILTY PREVIOUSLY ENTERED AND ACCEPTED.

1. The defendant, William Troy Hedgecock, previously pled guilty on the date of 12/05/06, (hereinafter called "the entry of plea"), to the crime set forth in section II immediately above.
2. At the entry of the plea of guilty, and pursuant to I.C.R. 5 and 11, the following occurred:
 - A. The defendant was advised by the Court of the following:
 - i. The nature of the charge against the defendant, the minimum and maximum punishments, and other direct consequences which may apply;
 - ii. That the defendant was not required to make any statement and that any statement made by the defendant may be used against the defendant in a court of law;
 - iii. That the defendant was presumed to be innocent;
 - iv. That by entering a plea of guilty to the above identified charge, the defendant would:
 - a. Waive the right to a trial by jury;

- b. Waive the right to require the State to prove each material element of the crime charged beyond a reasonable doubt;
 - c. Waive the right to free Court appointed counsel to represent the defendant through a jury trial if the defendant was indigent;
 - d. Waive the right to a speedy trial;
 - e. Waive the right to challenge the evidence presented by the State, and specifically the right to confront and cross examine the witnesses who testified against the defendant;
 - f. Waive the right to present evidence on the defendant's own behalf, specifically including the right to subpoena witnesses at the County's expense;
 - g. Waive the right against compulsory self-incrimination;
 - h. Waive any and all possible defenses to the charge brought against the defendant, both factual and legal; and
 - i. Lose the right to appeal except as to the sentence imposed.
- B. The Court inquired of whether any promises had been made to the defendant or whether the plea was a result of any plea bargaining agreement, and if so, the nature of the agreement; and that the defendant was informed that the Court was not bound by any promises or recommendations from either party as to punishment.
- C. The defendant was advised, in accordance with I.C.R. 11 (d)(2), that if the Court did not accept the sentencing recommendation or request, the defendant nevertheless had no right to withdraw the defendant's guilty plea on that basis.
- D. The defendant stated and acknowledged that the plea was knowingly and voluntarily given; and that the plea was given of the defendant's own free will and volition.
- E. That there was a factual basis to support the said plea.
- F. Whereupon the defendant entered a plea of guilty to said charge.
- G. The Court then found that the plea was entered upon the advice and consent of the defendant's counsel.
- H. Whereupon the Court accepted the plea of guilty and found and adjudged the defendant, William Troy Hedgecock, guilty of the crime identified and set forth in section II "Arraignment for Sentencing" above.

IV. SENTENCING DATE PROCEEDINGS.

On 01/23/07, the sentencing date, and after the arraignment for sentencing as set forth in section II "Arraignment for Sentencing" above, the Court proceeded as follows:

1. Determined that more than two (2) days had elapsed from the plea to the date of sentencing. I.C. § 19-2501, I.C.R. 33(a)(1).
2. Discussed the presentence report and relevant matters with the parties pursuant to I.C. § 20-220 and I.C.R. Rule 32.
3. Determined victim's rights and restitution issues pursuant to I.C. § 19-5301 and Article 1, § 22 of the Idaho Constitution.
4. Offered an aggravation and/or mitigation hearing to both parties, including the right to present evidence pursuant to I.C.R. 33(a)(1).
5. Heard comments and sentencing recommendations of both counsel and asked the defendant personally if the defendant wished to make a statement and/or to present any information in mitigation of punishment. I.C.R. 33(a)(1).
6. The Court made its comments pursuant to I.C. § 19-2512, and discussed one or more of the criteria set forth in I.C. § 19-2521.

V. THE SENTENCE.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

1. **Crime of:** Possession of Forged Bank Bills, a felony.
2. **Court Costs:** The defendant shall pay court costs in the sum of \$97.50.
3. **Fine:** The defendant is fined the sum of \$1,000.00, and the defendant shall pay all costs, fees and fines ordered by this Court. This judgment that the defendant pay a fine and costs shall constitute a lien in like manner as a judgment for money in a civil action. I.C. § 19-2518, I.C. § 19-2702.
4. **Penitentiary:** The defendant, William Troy Hedgecock, shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of 14 years; which unified sentence is comprised of a minimum (fixed) period of confinement of 7 years, followed by an indeterminate period of custody of 7 years, with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 14 years.

5. **Credit for Time Served:** The defendant is given credit for time previously served on this crime in the amount of 337 days. I.C. § 18-309.
6. **Concurrent or Simultaneous Prison Sentences:** Pursuant to I.C. § 18-308, this sentence shall run concurrent with Twin Falls County case number CR-2004-0006692.

VI. ORDER REGARDING RESTITUTION.

1. **Restitution Not Appropriate:** The Court determines that this case is not appropriate for restitution, and pursuant to I.C. § 19-5304(3), states the following reasons:

PSI states that no restitution is due.

Prosecutor states that no restitution is due.

No "victim's requests" have been received.

VII. NO BOND TO EXONERATE.

The conditions of bail having never been met in this case, there is no bail to be exonerated. I.C.R. 46(g).

VIII. ORDER OF COMMITMENT.

It is ADJUDGED and ORDERED that the defendant be committed to the custody of the Sheriff of Gooding County, Idaho, for delivery forthwith to the Director of the Idaho State Board of Correction at the Idaho State Penitentiary, or other facility within the State designated by the State Board of Correction. I.C. § 20-237.

IX. ORDER ON PRESENTENCE INVESTIGATION REPORTS.

The parties are hereby ordered to return their respective copies of the presentence investigative reports to the deputy clerk of the court's custody and use of said report shall thereafter be governed by I.C.R. 32(h)(1), (2), and (3).

X. ENTRY OF JUDGMENT - INCARCERATION - RECORD BY CLERK.

The Court orders the Judgment and record be entered upon the minutes and that the record be assembled, prepared and filed by the Clerk of the Court in accordance with I.C. § 19-2519(a). In addition, and in accordance with I.C. § 19-2519(b), as soon as possible upon the entry of Judgment of Conviction the Clerk shall deliver to the Sheriff of Gooding County, a certified copy of the Judgment along with a copy of the presentence investigation report, if any, for delivery to the Director of Correction pursuant to I.C. § 20-237.

XI. RIGHT TO APPEAL/LEAVE TO APPEAL IN FORMA PAUPERIS.

The Right: The Court advised the defendant, of the right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.C.R. 33(a)(3), I.A.R. 14(a).

In Forma Pauperis: The Court further advised the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3), I.C. § 19-852(a)(1) and (b)(2).

IT IS SO ORDERED.

DATED:

January 23, 2007

SIGNED:

B Wood

Barry Wood, District Judge

I.C.R. 49(b)

NOTICE OF ORDER

I, Cynthia Ervin, Deputy Clerk for the County of Gooding do hereby certify that on the day of 01/23/07, filed the original and caused to be served a true and correct copy of the above and foregoing document: **JUDGMENT OF CONVICTION UPON A PLEA OF GUILTY TO ONE FELONY COUNT, AND ORDER OF COMMITMENT**, to each of the persons as listed below:

Prosecuting Attorney: Calvin H. Campbell

Defense Counsel: David Heida

Defendant: William Troy Hedgecock



Cynthia Ervin
Deputy Clerk

David Heida, ISB # 6980
ARKOOSH LAW OFFICES
Post Office Box 32
301 Main Street
Gooding, Idaho 83330
Telephone: (208) 934-8872
Fax: (208) 934-8873

DISTRICT COURT
GOODING CO. IDAHO
FILED

2007 FEB 12 AM 11:31

GOODING COUNTY CLERK

BY: L.C.
DEPUTY

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,	)	Case No. CR-2005-3468
)	
Plaintiff/Respondent,)	
)	
vs.	)	NOTICE OF APPEAL
)	
WILLIAM TROY HEDGECK)	
)	
Defendant/Appellant)	
)	

TO: THE ABOVE NAMED RESPONDENT, STATE OF IDAHO AND THE PARTY'S ATTORNEY, GOODING COUNTY PROSECUTOR, CALVIN CAMPBELL, P.O. BOX 86, GOODING, IDAHO 83330 AND THE CLERK OF THE ABOVE ENTITLED COURT.

1. The above named appellant, William Troy Hedgecock, appeals against the above named respondent to the Idaho Supreme Court from the denial of his *Motion To Suppress* entered in the above entitled action on October 31, 2006, upon the oral record of the above entitled court before the Honorable Barry Wood, presiding judge.
2. That the appellant has a right to appeal the denial of his *Motion To Suppress* to the Idaho Supreme Court pursuant to Idaho Appellate Rule 11(c).
3. Issue on Appeal:

a. Whether the District Court erred in denying the defendant's *Motion to Suppress*.

4. No order has been entered sealing any portion of the record.

5. A reporter's transcript is requested. The following requested proceedings were recorded and/or reported by a deputy clerk of Gooding County or the Court's reporter, Linda Ledbetter and are under the control of the Clerk of the Court, Denise Gill or a deputy clerk thereof. The appellant requests the following portions of the reporter's transcript:

a. December 12, 2005, Preliminary Hearing

b. October 3, 2006, Motion to Suppress Hearing

c. October 31, 2006, Pretrial Conference/Oral decision on *Motion to Suppress*

6. Appellant requests the contents of the Clerk's record contain the standard documents as outlined in Idaho Appellate Rule 28(b)(2) in addition to the *Conditional Guilty Plea* filed December 11, 2006.

7. The appeal is taken upon matters of law and fact.

8. I certify:

a. That copy of this *Notice of Appeal* has been served on the reporter.

b. That the appellant is exempt from paying the estimated transcript fee because he is indigent.

c. That the appellant is exempt from paying the estimated fee for the preparation of the record because he is indigent.

d. That the appellant is exempt from paying the appellate filing fee because he is indigent.

e. That service has been made upon all parties required to be served pursuant to Rule 20.

DATED this 12 day of February, 2007.

ARKOOSH LAW OFFICES, CHTD.



David Heida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12 day of February, 2007, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Calvin Campbell
Gooding County Prosecuting Attorney
PO Box 86
Gooding, ID 83330

☒
☐
☐
☐

U.S. Mail, postage prepaid
Hand Delivered
Overnight Mail
Facsimile

Linda Ledbetter
P.O. Box 27
Gooding, ID 83330

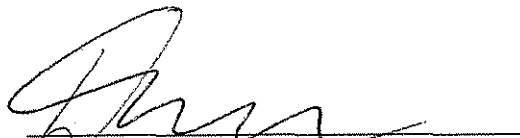
☒
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U.S. Mail, postage prepaid
Hand Delivered
Overnight Mail
Facsimile

Lawrence G. Wasden
Attorney General
P.O. Box 83720
Boise, ID 83720

☒
☐
☐
☐

U.S. Mail, postage prepaid
Hand Delivered
Overnight Mail
Facsimile


David Heida

David Heida, ISB # 6980
ARKOOSH LAW OFFICES
Post Office Box 32
301 Main Street
Gooding, Idaho 83330
Telephone: (208) 934-8872
Fax: (208) 934-8873

DISTRICT COURT
GOODING CO. IDAHO
FILED

2007 MAR 20 PM 3:48

GOODING COUNTY CLERK

BY: [Signature] DEPUTY

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,)	Case No. CR-2005-3468
)	
Plaintiff,)	
)	
vs.	)	IDAHO CRIMINAL RULE 35
	)	MOTION
WILLIAM TROY HEDGECK)	
)	
Defendant.)	
_____)	

COMES NOW, Defendant, by and through David Heida, his attorney, of ARKOOSH LAW OFFICES, CHTD., and moves this honorable court pursuant to I.C.R 35 to reduce the sentence imposed by the above entitled court on January 23, 2007. This motion is supported by the March 1st, 2007, letter of Melissa DeNaughel, attached hereto and incorporated herewith as Exhibit "A."

DATED this 20th day of March, 2007.

ARKOOSH LAW OFFICES, CHTD.

[Signature]
David Heida

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2007, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

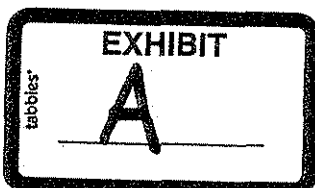
☒ U.S. Mail, postage prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)


David Heida

March 1st, 2007,

To Your Honor;

In light to recent rumors surrounding Mr. Hedgecock, and his upcoming sentence, I am writing a somewhat of a plea. Really the only thing that Troy and I have in common is our son [REDACTED] who is now eleven. I understand when it comes to your job and the circumstantial evidence that is put before you, sometimes all that is left is locking them up. But, I don't feel that way. My son has just recently started to grow a bond with his dad, and his dad has grown a bond with his son. In every crime and physiological book I have read, 85% say the same thing, a child is the best means for rehabilitation. My son has had a hard understanding of his father. Him being in and out of jail, and then he would run with his friends and then get placed back into jail. That's not fair for a father to do to his child or anyone to do to anyone they love. This is all Troy knows. He hasn't really had any support that didn't in turn want something from him. With [REDACTED] all that is needed is love, respect and happiness. All Troy needs are someone to help him have peace of mind. My goals for my children are very high. I never lie to them and will tell them the truth even when I don't think I should. But, I rather it comes from me, then him be told by a friend something incorrect and a problem arise. So I feel that with [REDACTED] supportiveness and the truth how it is will help in Troy's rehabilitation. Along with a long year of intensive in-patient drug rehabilitation program, a sponsor will also be needed, along with self-help, anger management, support groups, live well courses and an all around structured atmosphere. I think we let it escape our mind, you handling so many cases to me reading and studying so many, that that is what people with drug addictions need. Those external forces (drugs) that drive them in the outside world are I am sure not to hard to find on the inside, making it virtually impossible for them to stay clean. And once a person has been on the inside longer than the outside, they become so numb to what is in and what is not. Finding work is difficult, ethics are so important, morals, hygiene (which when looking at all those tattoos that are being done in jail) how is one to be happy with where they need to start. Your honor, my son needs a father, you know that. You also know there are several cases in our State that have been extremely under sentenced because people felt evil could be rehabilitated. I will tell you one. Seven years ago, on Thanksgiving, my friend missed the bus from Jackpot and needed a ride home. She caught one with a guy she knew. Five miles out of Jackpot there was an accident, my friend ejected from the car and killed instantly. She had a 3 year old [REDACTED] And all he had was her. Later, the police found out he was trying to make some sort of advance at her, she said no, there was comossion, and the accident. He received six months in jail, and has to pay her son \$20 a month until he is 18. He killed her, proof or not. What I am trying to say is, weather it is death or incarceration, my son loses him. I will not take him up there with all those vile freaks. That is no where for a child. Troy and Caleb need each other. Together and with the help of whoever is willing to help (so many people contribute to recovery for addicts) we can help him. Sometimes that is all it takes. Help someone help themselves, save a child's grief, save a man's life. And if you find this letter odd, don't, Troy and I have a deal. I think all of you should know. If this happens and people come together and support and teach and help him, and he fails, it's over. He is to sign his rights away to Caleb immediately. I won't allow anymore pain. I



won't allow stupidity to come before him. [REDACTED] is my son. He is smart, beautiful and a real spitfire like his mother. I would do anything for him.

Thank you for taking the time out to read this letter. I really hope that you will weigh your options on Mr. Hedgecock. I know that it seems your hands are tied but sometimes someone's big opportunity doesn't come until later in the game. Maybe this is the time to let Troy back in the game with his coach [REDACTED]

There are some wonderful centers on CSI campus to help people with finding skills, making goals, test to see what they are good at, parenting, anger management, and job skill classes. If you would like info I can pick it up for you. Also, I know a lot of people are willing to sponsor and also, and this is a big maybe a great friend of mine who may let him crash at her place so long as he works, cleans, comes in at a decent hour, and doesn't bring anyone she doesn't approve of over. He will have to pay his part of the bills and be respectful. Anything I can help you with, unless your mind is already set in stone. Please feel free to ask Troy for my number.

Otherwise if this letter meant nothing, just keep in mind, as I am sure you do a lot. A child is involved. Treatment and rehabilitation have been done for a number of people that have done horrific crimes repeatedly. Treatment should be for those willing to accept it. A way to let something go that came to them at a low point in their lives. Just like smoking and drinking, drugs can take you down to the dark paths of the devil. But, you can also have the chance to turn back to the light of life. This is what rehabilitation centers were made for. We should utilize them for that reason or what good is it having them.

Thanks you,

Melissa DeNaughel

DISTRICT COURT
GOODING CO. IDAHO
FILEDMOLLY J. HUSKEY
State Appellate Public Defender
State of Idaho
I.S.B. # 4843

2007 MAY 15 AM 11:18

GOODING COUNTY CLERK

BY: P
DEPUTYSARA B. THOMAS
Chief, Appellate Unit
I.S.B. # 5867
3647 Lake Harbor Lane
Boise, Idaho 83703
(208) 334-2712
(208) 334-2985 (fax)IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,

Plaintiff-Respondent,

v.

WILLIAM TROY HEDGECKOCK,

Defendant-Appellant.

CASE NO. CR-2005-3468
SUPREME COURT NO. 33950

OBJECTION TO THE RECORD

TO: THE ABOVE-NAMED RESPONDENT, THE STATE OF IDAHO, AND THE
CALVIN H. CAMPBELL, PO BOX 86, GOODING, ID 83330, AND THE CLERK OF
THE ABOVE ENTITLED COURT:

NOTICE IS HEREBY GIVEN that appellant in the above entitled proceeding hereby objects to the record on appeal served on April 20, 2007, pursuant to Idaho Appellate Rule (I.A.R.) 29. This objection is based upon the fact that the appellant is requesting the items listed below. Accordingly, the appellant requests, pursuant to I.A.R. 29(a), that the following be added:

- 1) Transcript of the Change of Plea hearing held April 18, 2006;
- 2) Transcript of Motion to Withdraw Plea Hearing held June 27, 2006;
- 3) Transcript of Entry of Guilty Plea hearing held December 5, 2006;

OBJECTION TO THE RECORD


Page 1

(b)(a)

- 4) Transcript of Sentencing Hearing held January 23, 2007;
- 5) Affidavits of Craig Hobdey filed June 14, 2006, and July 10, 2006;
- 6) Affidavit of William Troy Hedgecock filed June 14, 2006; and
- 7) Memorandum in Support of Motion to Suppress filed October 16, 2006.

Idaho case law currently indicates that any missing portions of the record are presumed to support the trial court's ruling. *State v. Wolfe*, 99 Idaho 382, 390, 582 P.2d 728, 736 (1978); *State v. Williams*, 126 Idaho 39, 45, 878 P.2d 213, 219 (Ct. App. 1994). The requested items are currently missing from the record. Unless made part of the record on appeal, the events and testimony of this hearing will be presumed to support the district court's trial rulings and his sentencing decisions, which are now on appeal. In order to overcome this legal presumption and to have his case considered on its facts and merits, Mr. Hedgecock requests that the above-mentioned items be made part of the record on appeal and filed with the Idaho Supreme Court.

DATED this 15th day of May, 2007.


MOLLY J. HUSKEY
State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 15th day of May, 2007, served a true and correct copy of the attached OBJECTION TO THE RECORD by the method indicated below:


BARRY WOOD
DISTRICT COURT JUDGE
GOODING COUNTY DISTRICT COURT
PO BOX 27
GOODING ID 83330

CALVIN H CAMPBELL
PO BOX 86
GOODING ID 83330

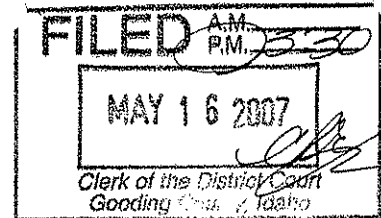
COURT REPORTER
LINDA LEDBETTER
570 RIM VIEW DRIVE
TWIN FALLS ID 83301

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720 0010
Hand delivered to Attorney General's mailbox at Supreme Court

STEPHEN KENYON
CLERK OF THE SUPREME COURT
PO BOX 83720
BOISE ID 83720 0101
HAND DELIVER


HEATHER R. CRAWFORD
Administrative Assistant

MJH/hrc



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,

Plaintiff-Respondent,

v.

WILLIAM TROY HEDGECOCK,

Defendant-Appellant.

CASE NO. CR-2005-3468
SUPREME COURT NO. 33950

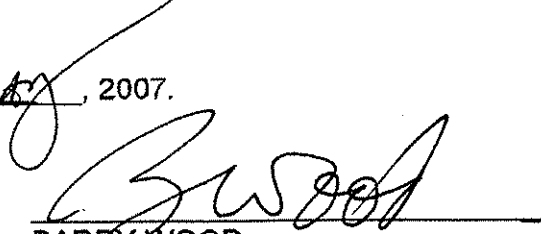
ORDER

Upon reviewing the attached Objection to the Record and finding good cause, IT
IS HEREBY ORDERED the Record on Appeal in the above mentioned case shall
include the following:

- 1) Transcript of the Change of Plea hearing held April 18, 2006;
- 2) Transcript of Motion to Withdraw Plea Hearing held June 27, 2006;
- 3) Transcript of Entry of Guilty Plea hearing held December 5, 2006;
- 4) Transcript of Sentencing Hearing held January 23, 2007;
- 5) Affidavits of Craig Hobdey filed June 14, 2006, and July 10, 2006;
- 6) Affidavit of William Troy Hedgecock filed June 14, 2006; and
- 7) Memorandum in Support of Motion to Suppress filed October 16, 2006.

The above items shall be prepared and lodged with the Clerk of the Idaho
Supreme Court, and copies served on the State Appellate Public Defender's Office and
the Idaho Attorney General's Office. The above items shall be prepared at county
expense.

DATED this 16 day May, 2007.


BARRY WOOD
District Judge

(66(d))

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 17 day of May, 2007, served a true and correct copy of the attached ORDER by placing a copy in the United States mail, postage prepaid, addressed to:

BARRY WOOD
DISTRICT COURT JUDGE
GOODING COUNTY DISTRICT COURT
PO BOX 27
GOODING ID 83330

CALVIN H CAMPBELL
PO BOX 86
GOODING ID 83330

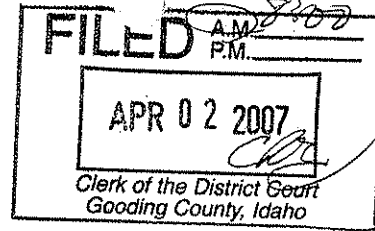
COURT REPORTER
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570 RIM VIEW DRIVE
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KENNETH K JORGENSEN
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PO BOX 83720
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Hand delivered to Attorney General's mailbox at Supreme Court

STEPHEN KENYON
CLERK OF THE SUPREME COURT
PO BOX 83720
BOISE ID 83720 0101
HAND DELIVER

SARA B THOMAS
CHIEF APPELLATE UNIT
STATE APPELLATE PUBLIC DEFENDER
3647 LAKE HARBOR LANE
BOISE ID 83703


Clerk of the Court



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

State of Idaho,

Plaintiff,

vs.

Case No. CR-2005-0003468

William Troy Hedgehock

SSN [REDACTED]

DOB [REDACTED]

Defendant.

ORDER ON I.C.R. 35 MOTION FOR CORRECTION OR REDUCTION
OF SENTENCE DENIED WITHOUT A HEARING

I. THE STANDARDS.

1. This Court recognizes that in ruling on the merits of a Rule 35 Motion to reduce a legally imposed sentence, the motion is essentially a plea for leniency and is directed to the sound discretion of the sentencing court. As such, this Court perceives the issue as one of discretion. This Court further recognizes that it must act within the outer boundaries of that discretion and consistent with any legal standards applicable to specific choices; and that it must exercise that discretion within reason. State v. Jensen, 137 Idaho 240 (Ct.App.2002).
2. A Rule 35 motion may challenge a sentence as being excessive, unduly severe, and/or unreasonable at the time it was originally imposed. State v. Jensen, 137 Idaho 240 (Ct.App.2002). Where a sentence as originally imposed is not illegal, the defendant has the burden to show that it is unreasonable, and thus a clear abuse of discretion. State v. Brown, 121 Idaho 385, 393 (1992). A sentence may represent such an abuse of discretion if it is shown to be unreasonable upon the facts of the case. State v. Nice, 103 Idaho 89, 90 (1982). A sentence of confinement is reasonable if it appears at the time of sentencing that confinement is necessary "to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation or retribution applicable

to a given case.” State v. Toohill, 103 Idaho 565, 568 (Ct.App.1982). The relationship of the nature of the offense and the character of the offender in light of the primary sentencing goal of protection of the public interest, and the other related goals, are to be considered in determining the reasonableness of a sentence of confinement. State v. Reinke, 103 Idaho 771, 772 (Ct.App.1982); State v. Jensen, 137 Idaho 240 (Ct.App.2002). The factors in I.C. § 19-2521 are also considered in fashioning a sentence and determining the reasonableness thereof.

Thus, this Court recognizes that the criteria for determining the requested Rule 35 leniency is the same as those applied in determining whether the original sentence was excessive, unduly severe, and/or unreasonable at the time it was originally imposed. State v. Lopez, 106 Idaho 447 (Ct.App.1984).

3. This Court further recognizes that if a sentence is not excessive when it was pronounced, a defendant may show that it is excessive in view of new or additional information presented with the motion for reduction. The burden is on the defendant to make this showing. State v. Hernandez, 121 Idaho 114, 117-18 (Ct.App.1991); State v. Jensen, 137 Idaho 240 (Ct.App.2002).
4. As stated above, the decision whether to conduct a hearing on a Rule 35 Motion to reduce a legally imposed sentence is directed to the sound discretion of the district court. State v. Peterson, 126 Idaho 522 (Ct.App.1994). This Court further recognizes that in so exercising that discretion, the Court may not unduly limit the information considered in deciding the motion.
5. In the written Rule 35 Motion, the defendant, William Troy Hedgecock, does not request a hearing to present evidence and oral argument on the Motion.
6. A movant under Rule 35 wishing to submit additional evidence should make an offer of proof in the motion itself or by accompanying affidavit to enable the Court to make a reasoned decision on whether to hold an evidentiary hearing and to create a record upon which appellate review may be based. State v. Fortin, 124 Idaho 323 (Ct.App.1993).
7. When the defendant does not identify what evidence he might have produced at a hearing that he was unable to produce through affidavits, the district court does not abuse its discretion in refusing to hold a hearing on his Rule 35 motion. State v. Ramirez, 122 Idaho 830 (Ct.App.1992).

II. BRIEF PROCEDURAL HISTORY.

1. The defendant, William Troy Hedgecock, was committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of 14 year(s); which is comprised of a mandatory minimum period of commitment of 7 year(s), followed by an indeterminate period of custody of 7 year(s), with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to

exceed 14 year(s).

2. On 03/20/07, the defendant filed this Rule 35 Motion.
3. Based upon the above and pursuant to I.C.R. 35, having reviewed the files and records in the above entitled matter, this Court considers and determines the said Rule 35 Motion timely filed by the defendant without a hearing and without the admission of additional testimony, evidence, and/or oral argument. The reason being, the defendant did not meet the standard set forth in section "I" above.
4. The Rule 35 Motion is a plea for leniency.

III. THE RULING.

Based on the foregoing review by the Court, IT IS HEREBY ORDERED that the defendant's Motion for Correction or Reduction of the Sentence pursuant to I.C.R. 35 is DENIED. The Court considers the following factors:

1. The defendant does not allege that the sentence is illegal and therefore this motion is a plea for leniency.
2. The defendant, in effect, recommends that the Court focus on the issue of rehabilitation. While the Court readily recognizes that rehabilitation is one of the four goals and objectives of a sentence, the Court also recognizes that the primary consideration in sentencing is the good order and protection of society, and while humanitarian considerations and rehabilitation are important to our society, they cannot be allowed to control or defeat punishment, or to force our courts to ignore or subordinate other factors to the detriment of society. State v. Young, 119 Idaho 430 (Ct. App. 1991); State v. Wickel, 126 Idaho 578 (Ct. App. 1994).
3. Moreover, the defendant has presented no evidence of any serious rehabilitation effort on his part. Although rehabilitation is a consideration, rehabilitation will not override societal protection, deterrence, and retribution in cases where the defendant, by his past conduct and record, is a threat to society, such as the defendant here is.
4. The Court is aware of the defendant's character, prior criminal record, and the nature of the underlying offense.
5. The Court conducted an extensive sentencing hearing whereby certain findings were made. The record of that hearing is incorporated herein by reference. The defendant has not presented, in conjunction with this motion, any evidence that was not considered by the Court at the time of the sentencing hearing.
6. Probation Officer, Brittny L. Woodard, her PSI, stated:

This is the defendant's fourth felony conviction since 1997. In his first case, the defendant topped his sentence in IDOC custody after the Court relinquished jurisdiction upon completion of a rider. He was released from custody in March 2003. The defendant was arrested a little more than a year later for two felony crimes and he was granted the opportunity of probation beginning June 2005. The defendant admitted he used methamphetamine, absconded supervision, and failed to maintain employment while on probation. The defendant is pending disposition on probation violations at this time for his Twin Falls County case.¹

Troy stated that he has been trying to be successful within the past year. He indicated he was involved in a stable relationship and he had custody of his 10 year old son for a time. However, the defendant **also admitted that he was using methamphetamine with his girlfriend**. The defendant stated he was working and trying to support himself, his girlfriend and his son, and he said he was participating in substance abuse and mental health treatment. The defendant did complete CBT programming through Adult Mental Health and IOP with Lifestyle Changes Counseling, **but he failed to continue aftercare and was negatively discharged from both agencies**.

Although the defendant appears to recognize some of his current needs in order for him to be successful within the community, and he has taken steps to make some changes, the defendant continues to be involved in criminal activity. Further, he has been unable or unwilling to maintain his sobriety and he failed to comply with the terms and conditions of his probation supervision. At the time, the defendant has demonstrated **he is unsupervisable** within the community.

Hedgecock, Pre-Sentence Investigation (emphasis mine).

7. For the foregoing reasons, the defendant's Motion for a Reduction of Sentence Pursuant to I.C.R. Rule 35 is hereby DENIED.

IV. RIGHT TO APPEAL/LEAVE TO APPEAL IN FORMA PAUPERIS.

The Right: The Court advised the defendant, of the right to appeal this order within forty two (42) days of the date it is file stamped by the clerk of the court. I.C.R. 33(a)(3). I.A.R. 14 (a).

¹ At the disposition for his probation violations, the defendant's sentence was modified to a seven (7) year fixed sentence, with two (2) years fixed and five (5) years indeterminate for Count I, and a five (5) year fixed with one (1) year fixed and four (4) years indeterminate. These sentences were ordered to run consecutive to one another.

In forma Pauperis: The Court further advised the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3), I.C. § 19-852(a)(1) and (b)(2).

IT IS SO ORDERED

Dated: March 30, 2007

Signed: B Wood
Barry Wood, District Judge

I.C.R. 49 (b)

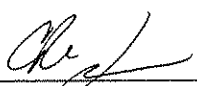
NOTICE OF ORDER

4/2/07 *Gordy*
I, Cynthia Ervin, Deputy Clerk for the County of ~~Error! Reference source not found.~~, do hereby
certify that on the date of 03/30/07 I have filed the original and caused to be served a true and
correct copy of the above and foregoing document: **ORDER ON I.C.R. RULE 35 MOTION
FOR CORRECTION OR REDUCTION OF SENTENCE**, to each of the persons as listed
below:

Prosecuting Attorney: Calvin H. Campbell

Defense Counsel: David Heida

Defendant: William Troy Hedgehock



Cynthia Ervin
Deputy Clerk

EXHIBIT LIST
State v Hedgecock
Gooding County Case # CR 2005-3468
Supreme Court Case #33950

1. PSI May 31, 2005
2. May 18, 2006 Update/Addendum
3. May 19, 2006 Addendum
4. January 19, 2007 Addendum

5. *Preliminary Hrg Trans ..*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING


STATE OF IDAHO,)	
Plaintiff/Appellant,)	
	)	Supreme Court No. 33950
vs.)	
	)	CLERKS CERTIFICATE
)	
WILLIAM TROY HEDGECOCK,)	
Defendant/Respondent.)	

I, Cynthia R. Eagle-Ervin, Deputy Clerk of the District Court of the Fifth Judicial District, of the State of Idaho, in and for the County of Gooding, do hereby certify that the above and foregoing Record in the above entitled cause was compiled and bound under my direction as, and is a true, full and correct Record of the pleadings and documents as are automatically required under Rule 28 of the Idaho Appellate Rules.

I, do further certify that all exhibits offered or admitted in the above entitled cause will be fully lodged with the Clerk of the Supreme Court along with the Court Reporter's Transcript and the Clerk's Record as required by Rule 31 of the Idaho Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 23 day of April, 2007.

Clerk of the District Court

By: 
Cynthia R. Eagle-Ervin
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

STATE OF IDAHO,)	
Plaintiff/Appellant,)	
	)	Supreme Court No. 33950
vs.)	
	)	CERTIFICATE OF SERVICE
)	
WILLIAM TROY HEDGECK,)	
Defendant/Respondent.)	

I, Cynthia Eagle-Ervin, Deputy Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Gooding, do hereby certify that I have personally served or mailed, by United States mail, one copy of the Clerk's Record and the Court Reporter's Transcript, along with a copy of the Pre-sentence Investigation and Addendums and any Exhibits offered or admitted to each of the Attorneys of Record in this case as follows:

Molly Huskey
State Appellate Public Defender
P.O. Box 83720
BOISE, ID 83720

Lawrence Wasden
ATTORNEY GENERAL
STATEHOUSE MAIL, RM 210
BOISE, IDAHO 83720

IN WITNESS WHEREOF, I have hereunto **set my hand and affixed the seal** of said Court this 23 day of April, 2007.

CLERK OF THE DISTRICT COURT

By: 

CERTIFICATE OF SERVICE

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